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ABSTRACT

The faculty handbook for Fordham University contains the university charter and the bylaws of the Board of Trustees as well as a breakdown of the academic and administrative structure of the university detailing the responsibilities of the administration. Faculty policies and procedures outlined include academic freedom; staff ranks; appointments; faculty responsibilities; tenure; promotion; retirement; termination; academic due process; faculty organizations and committees; salaries and benefits; and the place of the faculty in university governance. Additional areas detailed are the university code of conduct; and policies, procedures and guidelines for research and training. (JMF)

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FORDHAM UNIVERSITY

UNIVERSITY STATUTES

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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HE 007197

July 1971

(Amended up to August 1975)

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I. THE UNIVERSITY CHARTER

CHARTER--FORDHAM UNIVERSITY

AN ACT to incorporate St. John's College, Fordham

Passed April 10, 1846 by a two-third vote.
(Laws of New York, 1946. Chap. 61.)

The People of the State of New York, represented in Senate and Assembly do enact as follows:

1. Jacob Harvey, Peter A. Hargous, John McKeon, James R. Bayley, John Harley, John McCloskey, William Starrs, Hugh Kelly and David Bacon and their successors, are hereby constituted a body corporate, by the name of St. John's College, Fordham, the said corporation to be in all respects an university, and its object the promotion of education. The said corporation shall have perpetual succession, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

2. The persons named are hereby appointed trustees of the said corporation, of whom six members shall constitute a quorum for the transaction of business.

3. The said board of trustees shall appoint the professors and such other instructors as they may deem necessary, subject to removal of the members of the board.

4. The corporation hereby created shall possess the powers and be subject to the provisions contained in Article Second, title first, of the fifteenth chapter of the first part of the Revised Statutes so far as the same are applicable.

5. The said corporation may grant to students under its charge, diplomas or honorary testimonials, in such form as it may designate. It may also confer such literary honors, degrees and diplomas, as are usually granted by any university, college or seminary of learning in the United States.

6. Diplomas granted by the said corporation shall entitle the possessor to the immunities and privileges allowed by usage or Statute to the possessors of [illegible] diplomas from any college or seminary of learning in the State.

7. The corporation shall be subject to the visitation of the Regents of the University of this State, in the same manner and to the same extent as the various colleges in this State.

8. The corporation hereby created shall possess the powers and be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes so far as the same are applicable and have not been repealed.

9. The legislature may at any time alter or repeal this act.

10. This act shall take effect immediately.

STATE OF NEW YORK. In Assembly March 17, 1846. This bill having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof, Resolved that the bill do pass. By order of the Assembly.

Wm. C. Crain, Speaker

STATE OF NEW YORK. In Senate April 8, 1846. This bill having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof, Resolved that the bill do pass. By order of the Senate.

A. Gardiner, President

Approved this 10th day of April 1846.

Silas Wright

STATE OF NEW YORK
Secretary's Office

I have compared the preceding with an original law of this State on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto affixed the Seal of this office at the City of Albany the tenth day of April in the year of our Lord one thousand eight hundred and forty six.

(SEAL)

N. J. Benton
Secretary of State

THE UNIVERSITY OF THE STATE OF NEW YORK

AMENDMENT to Charter of St. John's College, Fordham

Having received a petition made in conformity to law and being satisfied that public interests will be promoted by such action the Regents, by virtue of the authority conferred on them, hereby amend the charter of St. John's College, Fordham by changing its corporate name to

FORDHAM UNIVERSITY

And giving to its medical department the name of FORDHAM UNIVERSITY, SCHOOL OF MEDICINE; to its law department the name of FORDHAM UNIVERSITY, SCHOOL OF LAW; and to its collegiate department the name of FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE.

In witness whereof, the Regents grant this amendment to charter no. 1808, under seal of the University at the Capitol in Albany, March 7, 1907.

St. Clair McKelway,
Vice-Chancellor

A. S. Draper
Commissioner of Education
Recorded and took effect 2:30 p.m., March 7, 1907.

THE UNIVERSITY OF THE STATE OF NEW YORK

AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH: That the Regents of the State of New York have amended the charter of Fordham University, located in the Borough of the Bronx, City of New York (which was chartered under the name of St. John's College, Fordham, by Chapter 61 of the Laws of 1846 of the State of New York, its corporate name having been changed to Fordham University by action of the Regents taken at their meeting of March 7, 1907), by changing the name of its collegiate department now known as "Fordham University, St. John's College," to "FORDHAM UNIVERSITY, FORDHAM COLLEGE."

GRANTED November 19, 1931 by the Regents of the State of New York, executed under their seal and recorded in their office. Number 4057.

(SEAL)

Frank Pierrepont Graves
President of the University
and Commissioner of Education

J. M. Byrne,
Vice-Chancellor

THE UNIVERSITY OF THE STATE OF NEW YORK

EDUCATION DEPARTMENT

AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the charter of Fordham University, -- which was incorporated under the name of St. John's College, Fordham, by Chapter 61 of the Laws of 1846 of the State of New York, such charter having been amended by action of the Board of Regents on March 7, 1907, by changing the corporate name of the institution to

FORDHAM UNIVERSITY

And giving to its medical department the name of FORDHAM UNIVERSITY, SCHOOL OF MEDICINE, to its law department, the name of FORDHAM UNIVERSITY, SCHOOL OF LAW, and to its collegiate department, the name of FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE, and further amended by the Regents on November 19, 1931, by changing the name of the collegiate department from FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE, to FORDHAM UNIVERSITY, FORDHAM COLLEGE, -- by specifying the principal location of the corporation as the city and State of New York and by authorizing the corporation to conduct institutional branches in the counties of Westchester, Dutchess and Putnam.

(SEAL)

GRANTED December 16, 1955 by the Board of Regents for and on behalf of the State Education Department, executed under the seal of said Department and recorded therein. Number 6814.

Jno. P. Myers,
Chancellor

James E. Allen, Jr.
President of the University
and Commissioner of Education

THE UNIVERSITY OF THE STATE OF NEW YORK

EDUCATION DEPARTMENT

AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the charter of Fordham University, located in the city, county and State of New York -- which was incorporated under the name of ST. JOHN'S COLLEGE, FORDHAM, by chapter 61 of the Laws of 1846 of the State of New York, such charter having been amended from time to time and in various respects by the Regents, including an amendment granted on March 7, 1907, changing the corporate name of the institution to Fordham University, -- by changing the number of trustees constituting the board of trustees of the University from the previous number of 9 to not more than 31 nor less than 5; and to provide that a majority of said board shall constitute a quorum for doing business.

GRANTED October 25, 1968, by the Board of Regents for and on behalf of the State Education Department, executed under the seal of said Department and recorded therein.
Number 9805

James E. Allen, Jr.
President of the University
and Commissioner of Education

Joseph W. McGovern
Chancellor

II. FORDHAM UNIVERSITY BOARD OF TRUSTEES: BY-LAWS

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FORDHAM UNIVERSITY BOARD OF TRUSTEES

By-laws

ARTICLE I. Name, Location, Purpose

Section 1. The legal name of the corporation is Fordham University (hereinafter called the University) a corporation chartered by the legislature of the State of New York. The original charter of April 10, 1846 constituted the original trustees and their successors, with the right of perpetual succession, a body corporate, the said corporation to be in all respects a university. The charter was subsequently amended by action of the Board of Regents on March 10, 1907, on November 19, 1931, on December 16, 1955 and on October 25, 1968.

Section 2. The location of the principal office of the corporation is New York City, New York.

Section 3. The purpose of the corporation, as set forth in the original charter, shall be the promotion of education.

ARTICLE II. Membership

Section 1. The persons named in the Act of Incorporation of 1846 and their respective successors who shall be elected from time to time shall constitute the Board of Trustees (hereinafter called the Board) of the University.

Section 2. There shall be no more than thirty one (31) nor less than five (5) members of the Board, although the Board shall, from time to time, determine the number of Trustees which constitute the Board of Trustees. There shall be no *ex officio* members of the Board except the President of the University.

Section 3. Prior to February 1, 1969, the Trustees of the University, solely for fixing terms of office of the Trustees, shall divide the elected membership of the Board into three (3) groups of eight (8), eight (8) and nine (9) respectively. The Trustees shall allocate their members among the three groups thus established and shall fix the expiration of the terms of office of the members of the three groups, successively for the respective groups, in each of the three years 1970 through 1972, as of the date fixed for the annual meeting for election of Trustees in each of said years.

Section 4. In each year, commencing with the year 1970, at the annual meeting for the election of Trustees, for the purpose of maintaining the number they shall have constituted, the Trustees shall elect, by majority vote of the entire Board, as many Trustees as necessary to fill the vacancies created by the expiration of the terms of the Trustees whose terms of office expire in that year. Each Trustee so elected shall serve for a period of three (3) years to the date fixed for the annual meeting for the election of Trustees in the third year next succeeding, and shall be eligible for reelection for one (1) additional three (3) year term. If any member shall die, resign, or be unable or unwilling to act in such capacity, a vacancy shall exist, the remaining members, by a majority vote at a regular or a special meeting, may elect a successor to fill such vacancy.

Section 5. No elected Trustee, who has served for two (2) consecutive three (3) year terms, shall be eligible for re-election until one (1) full year has elapsed since the expiration of his last terms. However, Trustees whose terms of office expire in and prior to the year 1972 and any Trustee first appointed to the Board to fill the unexpired term of another Trustee shall be eligible to serve two (2) additional three (3) year terms. No Trustee shall be eligible for election or re-election to the Board after he has attained the age of seventy (70) years.

Section 6. Any Trustee may resign his office at any time by mailing or otherwise delivering a written resignation to the Chairman or to the Secretary of the Board. Any Trustee may be removed from office by a two-thirds vote of the entire Board upon the written complaint of any Trustee charging said Trustee with misconduct, incapacity or neglect of duty. At least one week's previous notice of the proposed removal of any such Trustee shall have been given to such Trustee and to each of the other Trustees.

ARTICLE III. Officers

Section 1. The officers of the Board shall be a Chairman, a Vice Chairman, and a Secretary. These officers shall be elected from their membership by a majority vote of the entire Board, but the President of the University shall not be an officer of the Board. The tenure of such officers shall be for a period of one (1) year or until their successors are duly elected and qualified.

Section 2. The Chairman shall preside over all meetings at which he is present. In the absence or the incapacity of the Chairman, the Vice Chairman shall exercise the duties of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Secretary shall exercise the duties of the Chair. The Secretary shall give written notice of the time and the place of every meeting of the Board by mail, not less than five (5) nor more than ten (10) days before the meeting to the usual address of every Trustee. The Secretary shall keep minutes of all business transacted at each meeting, and he shall distribute minutes to all members of the Board.

Section 3. The President of the University shall provide the services of an Executive Secretary to assist the Secretary of the Board in the compilation and distribution of the minutes of Board meetings and in such other matters as may fall under the office of Secretary.

ARTICLE IV. Powers

Section 1. Subject to the laws of the State of New York and the charter of the Corporation and in accordance with the By-laws of the Board, the Board shall exercise ultimate authority over and ultimate responsibility for all acts of the Corporation.

Section 2. The Board shall have all necessary and convenient powers to direct and manage the business and affairs of the University. These powers shall include but shall not be limited to the following:

a) elect the President of the University by majority vote of the entire Board; remove him from office by a two-thirds vote of the entire Board;

b) appoint and remove the major officers of the University as later defined in these By-laws;

c) approve and adopt all major changes in the educational policies and programs of the University;

d) approve the granting of all degrees in course and of all honorary degrees;

e) enact and amend the statutes of the University, particularly concerning the appointment, promotion, tenure and duties of the officers, the administrative officials, and the faculty of the University;

f) enact and amend rules and regulations for the orderly government of the University, including procedures for the enforcement of the same;

g) authorize the establishment and approve the constitution of any official senate, council, committee, board or other organization of administrative officials or members of the faculty or student body of the University;

h) authorize the establishment of any new school or college or major institute of the University;

i) concur in the appointment of a dean of any school or college and in the appointment of a director of any major institute of the University;

j) review and take appropriate action respecting the budget of the University, which shall be submitted to the Board with the recommendations of the President;

k) authorize any changes in the salary scale of the officers, the administrative officials, the faculty and the staff of the University;

l) authorize any changes in tuition and fees within the University;

m) authorize the construction of new buildings and major renovation to existing buildings of the University;

n) authorize and promote major fund-raising activities of the University;

p) authorize entrance on the part of the University into any contract with employees or their bargaining agents respecting wages, hours and other conditions affecting employment;

q) authorize the President of the University to accept gifts, except that the acceptance of restricted gifts which involve major obligations must be ratified by a majority vote of the entire Board;

r) authorize the incurring of debts by the University, the securing thereof by mortgage and pledge of real and personal property, tangible and intangible, presently owned or to be after-acquired by the University;

s) constitute such standing or ad hoc committees as the Board may from time to time deem necessary or convenient for the efficient exercise of its powers and function.

ARTICLE V. Meetings and Procedures

Section 1. The Board may hold meetings at such place or places as it may from time to time determine by resolution or by written consent of all the Trustees.

Section 2. The annual meeting of the Board shall be held on or about May 15th of each year or on such other date as may be determined by the Chairman of the Board.

Section 3. There shall be at least four (4) regular meetings of the Board in each year. Every meeting of the Board shall be held upon notice given by the Secretary of the time and place thereof by mail not less than five (5) nor more than ten (10) days before the meeting to the usual address of every Trustee. The Board may meet on its own adjournment or when required by these By-laws, and at such time as it may be summoned by the Chairman, Vice Chairman, or, in the absence of either, by the senior Trustee, on the written request of at least three (3) Trustees.

Section 4. Special meetings of the Board may be called at any time by the Chairman on his own initiative and upon notice given by the Secretary of the time and place thereof by mail not less than five (5) nor more than ten (10) days before the meeting to the usual address of every Trustee. Such written notice shall state the purpose or purposes of the special meeting, and the business transacted at any such meeting shall be limited to the purpose or purposes stated in such notice, provided that if the entire Board is present any matters which may properly come before a meeting of the Board may be considered at such meeting.

Section 5. A simple majority of the Board shall constitute a quorum for the transaction of business at all meetings of the Board. There shall be no presence or voting by proxy. If less than a quorum shall be present, the meeting may be adjourned from time to time by a majority vote of the Trustees present, without any notice other than by announcement at the meeting, until a quorum shall be present. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted if the meeting had been held as originally called. The act of a majority of the Trustees present at any meeting at which there is a quorum shall be the act of the Board, except as may be otherwise specifically provided by law or by the charter or by these By-laws.

ARTICLE VI. Executive Committee

Section 1. The Board shall have an Executive Committee composed of such number of Trustees as shall, from time to time, be determined by the Board. The Chairman of the Board and the President of the University shall be *ex officio* members of the Executive Committee. The Chairman of the Board shall be *ex officio* Chairman of the Executive Committee. In the absence of the Chairman, an Acting Chairman designated by the Executive Committee shall preside. The elected members of the Executive Committee shall be elected by a majority vote at the annual meeting of the Board in each year and shall serve a term of one (1) year or until their successors have been duly elected. They shall be eligible for re-election.

Section 2. Unless otherwise determined by majority vote of the Board, the Executive Committee shall have full power to take all action which the Board is authorized to take under law and its charter in accordance with Article IV of these By-laws, except as the Executive Committee shall not have the power to grant degrees or to elect or remove the President from office and except that as to matters which these By-laws place under the direct supervision of the Board the concurrence of the Board itself shall be necessary.

Section 3. The Executive Committee shall ordinarily meet once a month, except in July and August, and at such times and places as may be determined by the Chairman of the Executive Committee or by written request of at least a majority of the Executive Committee as then constituted. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business.

Section 4. The minutes of the meetings of the Executive Committee of the Board shall be distributed regularly to each member of the Board after those minutes shall have been approved by the Executive Committee. At each and every meeting of the Board, the proceedings and actions taken by the Executive Committee since the last meeting of the Board shall be reported to the Board.

Section 5. The Executive Committee shall have available to it the services of an Executive Secretary to assist in the compilation and distribution of the minutes of committee meetings.

ARTICLE VII. Officers of the University -- Their Election and Tenure

Section 1. The officers of the University shall be a President, a Chancellor, one or more Vice Presidents, a Secretary, and a Treasurer, and such other officers as the Board of Trustees from time to time may consider necessary for the proper conduct of the business and affairs of the University. The officers shall be elected by the Board of Trustees at any regular or special meeting held pursuant to these By-laws. The president shall be an _ex officio_ member of the Board of Trustees with right to vote. Any two or more of the above officers except those of President and Vice President and President and Secretary may be held by the same person, but no officer shall execute, acknowledge or verify any instrument in more than one capacity if such instrument is required by law or by these By-laws to be executed, acknowledged or verified by any two or more officers.

Except where otherwise expressly provided in a contract duly authorized by the Board of Trustees, all officers and agents of the University except the President shall be subject to removal at any time by the affirmative vote of a majority of the whole Board of Trustees. All officers, agents and employees, other than officers appointed by the Board of Trustees, shall hold office at the discretion of the Board of Trustees or of the officers appointing them, unless the employee has received a grant of academic tenure, or has a length of service specified by a duly authorized contract.

Section 2. Powers and Duties of the President. The President shall be the chief executive officer of the University and shall have general charge and control of all its business and properties. The President shall sign and execute contracts and other written instruments in the name of the University as authorized to do so by the Board of Trustees. He shall have the general powers and duties usually vested in the office of the president of a university. The President shall be ex officio a member of all the standing committees with right to vote. The President shall annually make a report on the affairs of the University at the end of the academic year.

In the absence or disability of the President, the duties of that office shall be performed by the person designated by
the the Board of Trustees.

Section 3. Powers and Duties of the Chancellor. The Board of Trustees may appoint a Chancellor. The Chancellor shall have such powers and shall perform such duties as may be assigned to him by the Board of Trustees or by the President.

Section 4. Powers and Duties of the Vice President. The Board of Trustees may appoint a Vice President or more than one Vice President. In the absence of the duly authorized contracting officer or at the discretion of the Board of Trustees, any Vice President (unless otherwise provided by resolution of the Board of Trustees) may sign and execute all authorized contracts or other written instruments in the name of the University. Each Vice President shall have such other powers and shall perform such other duties as may be assigned to him by the Board of Trustees or by the President.

Section 5. Powers and Duties of the Secretary. The Secretary shall keep an attested copy of the charter of the University, the By-laws of the Board, of all votes and minutes of the Board; and he shall furnish copies of the above documents to any member of the Board and to any administrative official of the University who shall be authorized by the Board to inspect the same. He shall be the custodian of the seal of the University and shall affix the seal to any instrument requiring same.

Section 6. Powers and Duties of the Treasurer. The Treasurer shall have the custody of all deeds and muniments of title to the real estate and of all bonds and mortgages, stocks or other evidences of property owned by the University or pledged to it and of all policies of insurance and shall have the authority to accept and receipt for the same on behalf of the University and its Board of Trustees and, under the supervision of the Board, he shall arrange for the safe-keeping thereof.

The Treasurer shall collect and receive all monies due and payable to the University and deposit them in the name of the University in such banking institutions as the Board of Trustees may designate. He shall discharge all debts and other obligations of the University when due and payable.

The Treasurer is the ordinary contracting officer of the University. He shall be responsible for the annual audit of all its financial records and the submission to the Board of Trustees of a certified annual report by public accountants approved by the Board. The Treasurer shall also furnish such other financial statements as from time to time may be required by the President and the Board of Trustees.

Section 7. Powers and Duties of the Assistant Secretary. The Board of Trustees may appoint an Assistant Secretary or more than one Assistant Secretary. The Assistant Secretary designated by the Board of Trustees shall have power to perform all duties of the Secretary in the absence or disability of the Secretary and shall have such other powers and shall perform such other duties as may be assigned to him by the Board of Trustees, the President or the Secretary.

Section 8. Powers and Duties of the Assistant Treasurer. The Board of Trustees may appoint an Assistant Treasurer or more than one Assistant Treasurer. The Assistant Treasurer designated by the Board of Trustees shall have the power to perform all duties of the Treasurer in the absence or disability of the Treasurer and shall have such other powers and shall perform such other duties as may be assigned to him by the Board of Trustees, the President, or the Treasurer.

ARTICLE VIII. Fiscal Year

Section 1. The fiscal year of the University shall begin the first day of July and end the last day of June in each year.

ARTICLE IX. Seal of the University

Section 1. The seal of the University shall be in the form indicated hereunder and shall be used in the authentication of deeds, contracts and other legal instruments in the formal conduct of the corporate business of the University. It shall also be attached to diplomas and other like instruments requiring authentication in the conduct of academic affairs of the University.

ARTICLE X. Amendments

Section 1. The Trustees may amend these By-laws by a two-thirds vote of the entire Board.

Section III

THE UNIVERSITY ACADEMIC AND ADMINISTRATIVE STRUCTURE

Article 1. The President

- 1.1 The Responsibilities of the President
- 1.2 The Appointment of the President

Article 2. Officers of the University

Article 3. Administrative Board

Article 4. The Schools and Colleges

Article 5. The Dean

- 5.1 The Responsibilities of Deans
- 5.2 The Appointment of Deans
- 5.3 Dean of a Faculty
- 5.4 Responsibilities of Dean of a Faculty
- 5.5 Associate or Assistant Dean

Article 6. College or School Councils

- 6.1 The Role of School Councils
- 6.2 Composition of College or School Councils

Article 7. The Rose Hill Council

Article 8. Departments and Divisions

- 8.1 Authority of Departments
- 8.2 The Chairman of the Department

Article 9. The Budget Planning Committee

- 9.1 The Responsibility of the Budget Planning Committee
- 9.2 The Composition of the Budget Planning Committee

ARTICLE [illegible]. THE PRESIDENT

1.1 The Responsibilities of the President

The President shall be the chief executive and educational officer of the University. He shall be responsible for the management of all internal and external affairs of the University. As chief executive he shall implement policy decisions of the Board of Trustees and educational policy decisions of the University. In performing these functions he may delegate executive and administrative authority to other University officials, subject only to such restrictions as may be included in these statutes or otherwise enacted by the Board of Trustees.

1.2 The Appointment of the President

The President shall be appointed by the Board of Trustees and shall serve at the pleasure of that Board. In selecting a President the Board of Trustees shall receive and consider the advice of faculty, students, administrators and alumni of the University.

ARTICLE 2. OFFICERS OF THE UNIVERSITY

The officers of the University shall include one or more Vice-Presidents, a Secretary and a Treasurer and such other officers as the Board of Trustees from time to time may consider necessary for the proper conduct of the business and affairs of the University. The officers of the University shall normally include: An Executive Vice-President who is the general delegate of the President in all matters, who shall coordinate the operations of the various divisions of the University, and who shall perform the duties of the President in the latter's absence; a Vice-President for Academic Affairs who is responsible for the academic programs of the University; a Financial Vice-President who is responsible for the financial and business affairs of the University; and a Vice-President for Student Affairs who is responsible for supervision of student activities and services. The officers shall be appointed and assigned responsibilities by the Board of Trustees upon nomination by the President of the University. In making nominations to the Board for the positions of Vice-President for Academic Affairs and Vice-President for Student Affairs, the President shall receive and consider the advice of faculty, students, administrators and alumni of the University. An officer of the University may hold faculty status in a School or Department of the University. His faculty status is determined by the usual policies and procedures concerning faculty appointment and tenure.

ARTICLE 3. THE ADMINISTRATIVE BOARD

An Administrative Board, consisting of the President and the other officers of the University shall meet at regular intervals for the purpose of communication, consultation and planning.

ARTICLE 4. THE SCHOOLS AND COLLEGES

4. The principal academic units of the University are its colleges and schools. The following colleges and schools are now established:

Fordham College (1841)
School of Law (1905)
The Graduate School of Arts and Sciences (1916)
The School of Education (1916)
The Graduate School of Social Service (1916)
The College of Business Administration (1920)
The School of General Studies (1944)
The Liberal Arts College (1968)
The Graduate Institute of Religious Education (1969)
The Martino Graduate School of Business (1969)

The Graduate Institute of Religious Education for the purposes of these statutes shall be considered as a school.

ARTICLE 5. THE DEAN

5.1 The Responsibilities of Deans

The principal administrator of a School or College shall be a Dean. There shall also be a Dean of the Summer Session. It is the responsibility of the Dean to administer the programs of the School, implementing the academic policies of the University as they apply to his School, as well as the policies established by the School. The Dean shall exert leadership in the pursuit of the objectives of the School and shall collaborate with the faculty of the School, and where appropriate, with student representatives. Specifically, the Dean shall make recommendations on all matters of faculty status for faculty in his School, shall make determinations concerning the academic status of students, shall prepare the budget for the School and shall represent the School in consultations with administrators of the University. The Dean in academic matters reports to the Vice-President for Academic Affairs. A Dean in addition to his administrative position may hold faculty status in a School or Department of the University. His faculty status is determined by the usual policies and procedures concerning faculty appointment and tenure.

5.2 The Appointment of Deans

Deans shall be appointed by the President of the University with the concurrence of the Board of Trustees. When a vacancy in the position of Dean exists, the Vice-President for Academic Affairs shall appoint a Committee, consisting in substantial part of faculty of the relevant school chosen so as to be representative of the entire faculty by reasonable criteria, to make recommendations concerning the appointment of a Dean. The Committee shall make its recommendations to the Vice-President for Academic Affairs who will submit these recommendations together with his own to the President of the University. Except in rare cases and for compelling reasons, no decanal appointment will be made over the expressed opposition of the faculty members of the Committee.

5.3 Dean of a Faculty

Where there is a faculty group having responsibilities in more than one School or College of the University, a Dean of a Faculty may be appointed. The Dean of a Faculty shall be appointed by the President of the University with the concurrence of the Board of Trustees. When a vacancy in the position of a Dean of a Faculty exists, the Vice-President for Academic Affairs shall appoint a Committee, consisting in substantial part of the faculty of the relevant Schools or Colleges, chosen so as to be representative of the entire faculty by reasonable criteria, to make recommendations concerning the appointment of a Dean of a Faculty. The Committee shall make its recommendations to the Vice-President for Academic Affairs who will submit these recommendations together with his own to the President of the University. Except in rare cases and for compelling reasons, no Dean of a Faculty appointment will be made over the expressed opposition of the majority of the faculty members of the Committee.

5.4 The Responsibilities of Dean of a Faculty

(a) The Dean of a Faculty shall have the responsibility for providing leadership in the development of the faculties of the Schools or Colleges for which he is accountable. This shall include providing the opportunity for the professional and academic development of the faculty both individually and collectively. In all these matters, he shall work closely with the Deans, Chairmen, and faculty.

(b) The Dean shall have administrative responsibility for all matters of faculty status, i.e., appointment, reappointment, promotion, tenure, salaries, leaves, etc. in accordance with the policies and procedures specified in these Statutes. In all these matters, the Dean of a Faculty shall solicit the recommendations of the Deans of the Schools or Colleges and shall submit their recommendations together with his own to the Vice-President for Academic Affairs.

(c) The Dean of a Faculty shall have joint administrative responsibility with the respective Deans for budget considerations within the Schools or Colleges under his jurisdiction.

(d) In all matters, the Dean of a Faculty shall work with the Deans and their several Departments for the maintenance and further growth of excellence in education.

5.5 Associate or Assistant Dean

Associate or Assistant Deans may be appointed by the Vice-President for Academic Affairs upon recommendation of the Dean. An Assistant or Associate Dean shall be appointed for a one-year term. An Assistant or Associate Dean shall have those responsibilities assigned to him by the Dean.

ARTICLE 6. COLLEGE OR SCHOOL COUNCILS

6.1 The Role of School Councils

Each College or School of the University shall have a Council which shall have responsibility for formulating academic policies for the School or College. The Constitution or statutes of each Council are effective only upon approval by the Board of Trustees. The policies established by the Council must be in accordance with University policies and are subject to review by the Board of Trustees. Actions of the Councils are to be transmitted to the Vice-President for Academic Affairs.

6.2 Composition of College or School Councils

The Council of a College or School shall consist of all the faculty of the School or of elected representatives of the faculty. The Council of the Graduate School of Arts and Sciences, however, shall consist of the Chairmen of the Departments of the Graduate School, *ex officio*. The Councils may include administrators of the School and shall either include students as members or otherwise provide for adequate consultation with students in matters of School policies. The Dean shall be a member of the School Council and its Chairman.

ARTICLE 7. THE ROSE HILL COUNCIL

A Rose Hill Council was established in 1970 by the Board of Trustees following approval in faculty and student referenda. The Council has responsibility for formulating academic policies for the Rose Hill Campus and participating in decisions affecting the campus. The Council consists of 21 members of the faculty, sixteen students, the Deans of the five Schools on the campus and four administrators. (For text of Constitution see Appendix C.)

ARTICLE 8. DEPARTMENTS AND DIVISIONS

8.1 Authority of Departments

Departments or Divisions are academic units which are responsible for the organization and operation of the academic program in a particular subject area. In those Schools in which Departments or Divisions have been established, the faculty of the Department or Division consists of those faculty who have received appointments to the Department or Division. The faculty of a Department or

Division has a collective responsibility for the academic program and curricula of the Department or Division. For this reason, the faculty of the Department has a primary responsibility in matters of faculty appointment, reappointment, tenure and promotion in accordance with the relevant sections of these statutes. (In these statutes the term Department shall be interpreted so as to also include Divisions and Institutes which function as Departments.)

8.2 The Chairman of the Department

One member of the faculty of the Department or Division shall serve as Chairman and as such shall be the administrative officer of the Department. The Chairman shall be responsible for the administration of the affairs of the Department and provide leadership in the development and maintenance of excellence in the Department's programs. The Chairman shall administer the Department in a manner consistent with the relevant statutes of the University and in accordance with policies and procedures established by the School and by the Department itself. (See Section IV, 11.51) In the School of Social Service, one member of the faculty of each curriculum area shall serve as Chairman of the Area.

ARTICLE 9. THE BUDGET PLANNING COMMITTEE

9.1 The Responsibility of the Budget Planning Committee

(a) The Committee shall assist the President of the University in the formulation of his annual operating budget. Preparatory to doing so, it shall review the budget of the previous and current fiscal years. It shall propose expenditure objectives, suggest revenue measures, identify fiscal parameters, and set forth guidelines for the preparation of the annual budget. These recommendations are incorporated into the planning budget and presented to the President of the University prior to December 1st.

(b) The President reviews the planning budget submitted to him by the Committee, makes whatever changes he deems appropriate, and submits it to the Board of Trustees for its approval.

(c) Following the submission, review, and approval of all budget requests, the Budget Planning Committee shall again convene to review the final budget which the President will present to the Board of Trustees for approval. At that time, the Committee shall review the final University budget to insure that it is in general conformity with the planning budget submitted earlier by the President and approved by the Board of Trustees; it shall also be apprised of any significant changes in the current budget and fiscal outlook.

9.2 The Composition of the Budget Planning Committee

(a) The Budget Planning Committee shall consist of six members of the faculty selected by the Faculty Senate, three students selected by the student government of the several Schools and three administrators appointed by the President. The President of the University shall serve as an *ex officio* member of the Committee. The Chairman of the Committee shall normally be one of the Vice-Presidents and shall be so designated by the President of the University.

(b) Faculty members shall be appointed for three-year terms which may be renewed. Initially, in the Spring of 1975, the group shall be so selected that two faculty members shall serve for one year; two faculty members shall serve for two-year terms; and two for three-year terms; the three students will serve for one-year terms.

(c) The term of office of this Committee begins on July 1st.

Section IV

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ARTICLE 1. THE UNIVERSITY FACULTY

1.1 The Faculty

The University Faculty consists of all Professors, Associate Professors, Assistant Professors, and Instructors with full-time appointments in a School or Department. The Faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters, the power of review or final decision lodged in the Board of Trustees or delegated by it to the President should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.

1.2 The Instructional Staff

The instructional staff of the University includes the faculty as described above and also includes adjunct faculty, lecturers, teaching fellows, teaching and research assistants, and others with University appointments who are engaged in direct instructional activities. Members of the instructional staff other than faculty (described in Article 1.1) do not possess the rights and privileges of the faculty except as described in Article 2 (Academic Freedom) which follows. Adjunct faculty of the School of Law have by established custom voting rights on School matters (except matters of faculty status) at the School of Law.

1.3 The Faculty of a School or Department

The faculty of a School consists of those members of the University faculty who have received appointments to that School. All faculty who have received appointments to one of the Liberal Arts or Science Departments on the Rose Hill campus shall be considered to be members of the faculty of Fordham College. The faculty of the Graduate School of Arts and Sciences is composed of those faculty members, of those Departments offering graduate programs, who in addition to their undergraduate courses have been delegated by their Departments to teach graduate courses on a continuing basis.

1.4 Joint Appointments

Faculty may hold an appointment to the faculty of a second School or Department. Such a joint appointment may be made when a member of the faculty is expected to have continuing responsibilities beyond the teaching of a course or courses in the second School or Department. Those with joint appointments have full faculty rights and privileges in both units. Both units shall participate in determinations of faculty status matters for those with joint appointments. In any University-wide referendum, the faculty member must declare himself as voting with one unit.

ARTICLE 2. ACADEMIC FREEDOM

2.1 University Commitment to Academic Freedom

An essential condition of education is the free and unhampered discovery and communication of the truth. Every member of the University Community, especially its faculty, has not only the right but also the duty to participate freely in the search for and communication of the truth. In so doing every faculty member must be free to adopt those methods and use those techniques which he finds most helpful in his work and to communicate his findings freely to the academic community and the public. (See Articles 2.2 and 9.4.b).

It is the policy of Fordham University to encourage full freedom of teaching, discussions, research and publication and to protect any member of the instructional staff whether tenured or non-tenured against pressures and influences from within and without the University which would restrict him in the exercise of academic freedom.

2.2 1940 Statement of Principles of Academic Freedom and Tenure of A.A.U.P. (For full text See Appendix A)

Fordham University endorses and adopts as its own the following 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors.

"(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution."

"(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment."*

*Fordham University does not claim any such limitations.

"(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman."

2.3 Disruption of University Operations

Action or incitation to action on the part of others, which interferes significantly with normal University functions, significantly disrupts University operations, prevents or limits the free expression of ideas by others, or obstructs or restrains other members of the academic community and campus visitors by physical force or threat thereof constitutes reprehensible conduct and is not protected by the guarantee of academic freedom.

2.4 Availability of Academic Due Process

In the event that a faculty member believes that he did not receive tenure, or was not reappointed because of reasons which violate his academic freedom, he may invoke the appropriate provisions of Article 10, Academic Due Process.

ARTICLE 3. RANKS OF INSTRUCTIONAL STAFF

3.1 Instructor

In order to qualify for appointment as an Instructor a candidate must have as a minimum an advanced degree in his field and plans for the proximate completion of the terminal degree in his field. He must also give promise of academic achievement. Initial appointment to this rank is for a period of one year. Instructors may receive additional one-year or two-year appointments up to a total of five years.

3.2 Assistant Professor

In order to qualify for this rank the candidate must possess the appropriate terminal degree in his field and give promise of academic achievement. It is the policy of the University normally to promote Instructors to the rank of Assistant Professor upon acquisition of the terminal degree. Initial appointment as Assistant Professor is normally for a period of two years. Subsequent appointments are also usually for periods of two years except that a terminal appointment may be for one year. (See Article 4 - Faculty Appointments.)

3.3 Associate Professor

In order to qualify for this rank the candidate must not only have the qualifications for Assistant Professor but also have demonstrated academic achievement in teaching, research and publication in University and public service. While there should be a promise of continued and enhanced contributions in these areas in the future, promise of future achievements is not sufficient. Substantial actual achievement in these areas must be demonstrated. Initial appointment to the University faculty at this rank is normally for two years with a second two-year appointment usually bringing the faculty member to the end of the probationary period. At the School of Law initial appointments to this rank may be based upon professional rather than academic achievement. In such cases the normal probationary period is six years. The initial appointment is normally for a one-year term with subsequent appointments normally for two-year terms.

3.4 Professor

In order to qualify for this rank distinguished academic achievement is required. Outstanding contributions in teaching, research and scholarly publication and in University and public service are required. The Professor is expected to be a mature teacher, scholar, and member of the academic community. This stature should be recognized not only by colleagues at Fordham but also by scholars in the candidate's discipline outside the University. Initial appointment at the University to this rank is normally for a period of three years. Subsequent appointment would be a tenure appointment.

3.5 Professor Emeritus and Associate Professor Emeritus

The title of Professor Emeritus, Associate Professor Emeritus, or Dean Emeritus is granted in recognition of the contribution of a faculty member or administrator in the University over a period of time. A member of the Fordham University faculty may be appointed Professor Emeritus or Associate Professor Emeritus by the President of the University if the following conditions are met:

(a) The appointment will take effect subsequent to the academic year during which the Professor reaches retirement age.

(b) The Professor has a full-time appointment at the University at the time of retirement and has completed a minimum of ten years of full-time service in the University.

(c) The Professor shall hold the rank of Professor or Associate Professor at the time of retirement.

(d) The Professor shall be recommended for this appointment by the tenured faculty of his Department or School.

A Dean or Administrator may be awarded the title of Emeritus if the four above conditions are met and if the person has held the same administrative position for a period of at least ten years which period shall not have ended earlier than five years prior to the date of retirement.

After acquiring this status, the Professor shall enjoy the following privileges:

(a) Use of the facilities of the University Library and the use of other faculty facilities when suitable arrangements can be made.

(b) Invitation to the Faculty convocations.

(c) The privilege of auditing courses at the University.

(d) Listing in the University Bulletins.

3.6 Visiting Professor or Visiting Associate Professor

A visiting appointment for no more than one year may be made for a faculty member who is in a position to make a short-term contribution to the University. Visiting Professors or Associate Professors shall be considered as members of the faculty during their term of office.

3.7 Adjunct Faculty

The term Adjunct is applicable to an appointee whose academic preparation and professional attainments are such as to meet the qualifications for the regular professorial grades as set forth in Articles 3.1 through 3.4, but is appointed to teach a part-time program. An Adjunct faculty member may be appointed for a term of one or two semesters and may be reappointed on a year-to-year basis. He does not enjoy the same powers and privileges as the tull-time faculty and may not be granted tenure while so designated nor shall his service be regarded as counting toward tenure.

3.8 Lecturer

The position of Lecturer is not within the structure of tenured academic ranks. A person so designated may not carry a full teaching load. This is considered a part-time appointment at the University. Service in such capacity is not credited toward tenure requirements. Appointments to this position may be for a period not to exceed one year.

3.9 Teaching Fellows

A candidate for a doctoral degree at the University may be appointed a Teaching Fellow. The position of teaching fellow is not within the structure of tenured academic ranks. A person so designated may not carry a full teaching load and service in such capacity is not credited toward tenure requirements. Appointments to this position may be for a period not to exceed one year, subject to renewal.

3.10 Graduate Assistants

A candidate for a graduate degree at the University may be appointed a Graduate Assistant. The position of a graduate assistant is not within the structure of tenured academic ranks. A person so designated may not carry a full teaching load and service in such capacity is not credited toward tenure requirements. Appointments to this position may be for a period not to exceed one year, subject to renewal.

ARTICLE 4. FACULTY APPOINTMENTS

4.1 Authority for Faculty Appointments

All appointments and reappointments to the faculty are made by the President of the University, normally acting through the Vice President for Academic Affairs, who in turn corresponds with the candidate concerning the appointment. Members of the instructional staff who are not faculty receive appointments under the authority of the Vice President for Academic Affairs.

4.2 Procedure in Initial Faculty Appointments

(a) Individual Departments and Schools have established procedures for faculty consultation concerning initial appointments. The Chairman of a Department or the Dean of a School not organized by Departments handles initial negotiations for appointment.

(b) In the case of an initial appointment to senior faculty ranks (Associate Professor, Professor), the candidate will be interviewed by at least three faculty members, at least two of whom shall be of senior rank. In the case of an initial appointment to other faculty ranks, the candidate will be interviewed by at least three faculty members, two of whom shall be tenured. In addition, the Chairman will interview the candidate and all will submit recommendations to the Dean. All members of the faculty of a School or Department shall have an opportunity to submit recommendations to the Dean concerning any initial faculty appointment. These recommendations shall be sent to the Dean using the form entitled "Recommendation of a Faculty Member for an Initial Faculty Appointment". Except in rare cases and for compelling reasons, no faculty appointment will be made over the expressed opposition of the Departmental or School faculty.

4.3 Statement of Terms of Appointment

(a) The terms and conditions of every appointment to the faculty will be stated or confirmed in writing and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing by the Vice President for Academic Affairs and a copy will be given to the faculty member.

(b) With the exception of special appointments clearly limited to brief association with the institution and reappointments of retired faculty members on special conditions (See Articles 6.8 and 8.2), all full-time appointments to the rank of Instructor or higher are of two kinds: (1) probationary appointments; (2) appointments with tenure.

(c) Except for faculty members who have tenure status, every person with a teaching or research appointment of any kind will be informed by the Vice President for Academic Affairs each year, in writing, of his appointment and of all matters relative to his eligibility for the acquisition of tenure.

(d) All tenured faculty, and all non-tenured faculty whose contracts have been renewed, will be notified of the terms and conditions of their renewal by February 1st. Faculty in their first year of service whose contracts expire at the end of the academic year, will be notified of the terms and conditions of their employment for the subsequent year not later than March 1st.

4.4 Probationary Appointments

A probationary appointment is intended to provide the faculty member sufficient time to prove himself and to give his academic colleagues enough opportunity to observe and evaluate his performance. Probationary appointments may be for a one year or for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of continuous tenure will not exceed seven years, including all previous full-time service with the rank of Instructor or higher in other institutions of higher learning, except that the probationary period shall be four years at Fordham University for faculty with three or more years of full-time service at other institutions prior to their first Fordham appointment, even though the total full-time service to the profession thereby exceeds seven years. In exceptional cases this probationary period may be shortened by the contract of appointment or reappointment. A contract of this kind will not be entered into without adequate faculty consultation pursuant to established procedures within individual Departments or Schools.

4.5 Norms for Faculty Reappointment

(a) The two fundamental considerations involved in the decision whether or not to reappoint are the qualifications of the faculty member and the needs of the University. The qualifications of the applicant include his educational background, his performance as a teacher, his research and publications, his contributions to the work of this Department or School, and, his University, professional and public service. The weight given to each of these factors in the overall evaluation will vary in the several Departments and Schools. Each of these factors must be considered, however, in the evaluation. The qualifications of the faculty applicant will be considered not only from the point of view of past achievements but also in terms of the prospects for continued or even increased contributions in the future as a member of the faculty.

(b) The needs of the University are another consideration. These needs relate primarily to the particular field of specialization needed by the Department or School, the prospective needs of the curriculum or research programs and the faculty needs viewed in the context of the present distribution of the faculty. In general, the reappointment should be viewed in terms of the academic plans of the Department or School.

(c) The primary evaluation of the reappointment in terms of the above factors is made by the tenured faculty of the Department or School. Their recommendations are given the greatest weight in the final decision which is made by the University administration.

4.6 Procedure in Faculty Reappointments

(a) The tenured faculty of the Department will be provided with relevant material concerning the qualifications of the faculty member whose reappointment is being considered. A Department or School may employ the services of a committee to obtain and organize information evaluation concerning the faculty member for presentation to the tenured faculty. Appropriate steps are to be taken to solicit the opinion of students, normally, only with regard to teaching effectiveness.

(b) All the tenured faculty members of the Department and/or School shall meet as a Committee (excluding those on Faculty Fellowship or Leave of Absence, or administrators tenured in the unit, if they are not present) to discuss and vote on the case. No Committee shall be made up of fewer than five members. In Departments and/or Schools where there are fewer than five tenured faculty members, the procedures for the constitution of such a committee are detailed in Article 11.17. A valid meeting shall consist of eighty (80) percent of the tenured faculty (considering the exclusions indicated above) or five, whichever is greater. No Committee may hold a valid meeting with fewer than five committee members. The vote by secret ballot of those present shall be taken at the meeting at which the discussion of the candidate is held. This vote shall be binding and shall be the accepted and official vote cast. To achieve a recommendation for reappointment, a majority of those present and voting (considering the exclusions indicated above) must vote in favor of reappointment.

(c) The Chairman of the Committee shall inform the Dean of the Department's recommendation, also submitting, in writing, a full explanation of the reasons for the action. In addition, each tenured faculty member who participated in the vote will individually forward to the Dean at the same time a confirmation and explanation of his vote using the form entitled "Recommendation of a Faculty Member for a Faculty Re-Appointment". The recommendation of the Department or School ordinarily shall be determinative of the ultimate decision to reappoint. Administrators who are tenured faculty members may vote in a Department or School provided they do not have a further role in making the reappointment decision.

(d) The Dean transmits the recommendation of the Department together with his own to the Vice President for Academic Affairs. If the final decision does not concur with the Department recommendation, the Vice President for Academic Affairs shall explain to the tenured faculty the reasons for the non-reappointment before notifying the faculty member. Except in rare cases and for compelling reasons, the recommendation of the School or Department shall be determinative of the ultimate decision to reappoint.

(e) The case of a faculty member who, in accordance with the prescribed procedures, has not been reappointed, does not necessarily have to be reconsidered either by the faculty or by the administration in the absence of a recommendation by the Faculty Tenure and Reappointment Review Committee or the Faculty Hearing Committee.

4.7 Notification of Non-Renewal of Appointments

Written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of his appointment as follows:

(a) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

(b) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

(c) At least twelve months before the expiration of an appointment after two or more years of service at the University.

In the event of a decision not to grant reappointment the faculty member will be informed of the decision in writing by the Vice President for Academic Affairs. If the faculty member so requests, he will be advised in conference with the Vice President for Academic Affairs of the reasons which have contributed to that decision. The faculty member will be advised of the possible unfavorable consequences of providing a written statement for the decision. If, however, he still requests such a statement, it will be provided.

4.8 Grievance in a Matter Relating to Reappointment

In the event that a faculty member feels that he has cause for grievance in a matter relating to reappointment, he shall have the right to petition the Faculty Tenure and Reappointment Review Committee as specified in Article 10.5. If the faculty member alleges that in the matter of reappointment there was a violation of academic freedom, the appropriate provisions of Article 10.2 may be invoked. Grievance procedures in themselves shall not modify the effective date of the termination.

4.9 Leaves of Absence

(a) Leaves of Absence without pay may be granted for advanced study and research, or in connection with temporary appointments which will be of value to the faculty member and the University, or for reasons of health. Leaves of Absence are granted in the expectation that the faculty member will return to the University and are normally not granted for more than one year. An important consideration in the decision to grant a Leave of Absence is the effect which such a Leave will have upon the program of the Department or School to which the faculty member is assigned. The University will attempt to make the arrangements necessary, however, for faculty to take advantage of special grants and opportunities for which a Leave of Absence is necessary.

(b) A Leave of Absence for a tenured member of the faculty does not alter his tenured status. For a faculty member without tenure the time spent on leave is not included in the probationary period prior to the acquisition of tenure unless the contrary is agreed to in writing at the time the Leave of Absence was granted. An agreement of this kind will not be entered into without adequate faculty consultation pursuant to established procedures within individual Departments and Schools. A faculty member on Leave of Absence may not vote in absentia in his Department, or School, during such leave. Fringe benefits, i.e., major medical, total disability, Social Security, retirement, life insurance and Hospital-Surgical-Medical insurance benefits are suspended for a faculty member on Leave of Absence without pay. On returning to active service with the University, said benefits will be reinstated without a waiting period. A faculty member may while on Leave of Absence maintain coverage in the University Group Life Insurance and Hospital-Surgical-Medical Insurance plans by paying for the full cost at the beginning of the fiscal year.

4.10 Maternity Leave Policy

(a) The Maternity Leave policy for faculty is designed to provide the faculty member with assurance that her need for absence because of maternity will be granted without loss of faculty rights and at the same time provide adequate assurance to the University that an academic program will not be disrupted through such absence.

(b) A faculty member is expected to inform her Chairman or Dean within a reasonable time that she is pregnant and she should indicate the expected date of birth.

(c) A faculty member will be granted a sick leave for a period during which she is by reason of pregnancy or maternity physically unable to perform her regular duties. This leave is granted in accordance with the University sick leave policy.(See Article 12.6).

(d) A faculty member may desire to have a maternity leave for a period beyond that for which she is eligible for a sick leave as described above. In this instance, a faculty member who so requests will be granted an unpaid maternity leave for one semester, renewable for a second semester. (See Article 4.9 - Leaves of Absence).

4.11 Summer Session Appointments

(a) Regular full-time faculty members will be given first choice in the selection of teachers for the Summer Session. Those who are interested in teaching in the Summer Session should inform their Chairman and the Dean of Summer Session early in the fall semester of the preceding academic year.

(b) For the full-time Fordham University faculty members engaged to teach in the annual Summer Session, the salary per credit hour will be one thirty-sixth (1/36) of their annual salary for the preceding academic year. The scale of salaries for Adjunct Faculty members (including Visiting Faculty) in the Summer Session is the same as that which prevails for Adjunct Faculty in all other divisions of the University.

(c) The University guarantees the salary of each faculty member with whom an agreement is made to teach in the Summer Session. Faculty members should not commit themselves to teaching during the Summer Session unless they feel sure they will be able to fulfill their commitment. A faculty member who for some exceptional reason withdraws from a Summer Session teaching assignment after February 1 is obliged to find an adequate replacement.

ARTICLE 5. RESPONSIBILITIES OF FACULTY

5.1 Responsibilities

Responsibilities of faculty include:

(a) Satisfactory fulfillment of teaching duties in assigned courses or their equivalents.

(b) Observance of academic regulations concerning the cancellation of classes, examinations, grades, etc.

(c) The preparation, proctoring and grading of student examinations, the direction, reading and evaluation of student papers, reports, theses and dissertations where such has been the practice in the School or Department.

(d) The regular academic counseling and guidance of students. The faculty member is expected to maintain scheduled office hours and be thoroughly familiar with academic regulations and the curriculum of his School.

(e) Involvement in significant scholarly research.

(f) Scholarly publication.

(g) Active participation in learned societies and educational organizations.

(h) Participation in University, School and Department faculty meetings.

(i) Service on Department, School and University committees.

(j) Cooperation with the Deans in the enforcement of University regulations.

5.2 Teaching Load

The maximum teaching load for full-time faculty members shall not exceed on the average three courses or sections per semester. The course load may be reduced for faculty members engaged in research, faculty with graduate teaching responsibilities who spend much of their time in the direction of graduate students, or for faculty members heavily involved in laboratory instruction, the direction of field work or other activities which justify a reduction of course load. Chairmen and other faculty with extraordinary administrative responsibilities are given consideration in the reduction of their teaching loads. Any modification of this teaching load policy applicable in individual Schools shall be submitted for approval in writing to the Vice President for Academic Affairs following review by the Faculty Senate. Such a modification of this teaching load obtains in the School of

Social Service where the faculty responsibilities are such as to exceed these norms. The formula for this School is on file in the Office of the Vice President for Academic Affairs. At the School of Law the teaching load shall be governed by the requirements currently imposed by the Association of American Law Schools.

5.3 Teaching at Other Institutions

(a) A full-time appointment to the faculty is a contract for full-time engagement in University faculty responsibilities during the academic year.

(b) Teaching in another institution by a full-time faculty member is not permitted except by written approval of the Vice President for Academic Affairs or the Dean delegated by him. This approval may be given for a period not to exceed one academic year at any one time.

5.4 Outside Employment

Full-time members of the University faculty will be expected to devote their major energies to University teaching, research, student advisement, and related activities. This implies a limitation on outside activities. Since individual energies and capacities vary greatly, it is difficult to prescribe any exact measure for such limitations. In general, however, outside activities of this type should be limited to no more than the equivalent of one day a week, in order that it may not interfere with the fulfillment of faculty responsibilities. For any work of a continuing or regular nature, annual approval by the Vice President for Academic Affairs or the Dean delegated by him is required. No member of the faculty may tutor for pay any student enrolled in his course in the subject matter of the course.

5.5 Additional Teaching in the University

It is the policy of the University not to engage its full-time faculty for additional teaching responsibilities for added compensation. In special circumstances, a faculty member may be compensated for additional instruction, normally in another program, provided that it constitutes no more than one course per semester. The additional appointment must receive the approval of the faculty member's Department Chairman and Dean and the Vice President for Academic Affairs. Such approval may be given for a period of one academic year at a time.

ARTICLE 6. ACADEMIC TENURE

6.1 Academic Tenure

Academic tenure is a guarantee of continuous appointment of a faculty member until he reaches the age of retirement. The appointment of a faculty member with tenure may be terminated only for adequate cause or under extraordinary circumstances as defined in Article 9.3.

6.2 Right to Grant Tenure

The right to grant tenure resides in the Board of Trustees alone and shall be granted only to full-time faculty. (See Articles 3.2 through 3.4).

6.3 1940 Statement of Principles

In its tenure policies Fordham University adopts as its own the 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors. (See Appendix A for the full statement).

6.4 Norms for Granting Tenure

(a) The two fundamental considerations involved in the decision whether or not to grant tenure are the qualifications of the faculty applicant and the needs of the University. The qualifications of the applicant include his educational background, his performance as a teacher, his research and publications, his contributions to the work of his Department or School, and his University, professional and public service. The weight given to each of these factors in the overall evaluation will vary in the several Departments and Schools. Each of these factors must be considered, however, in the evaluation. The qualifications of the faculty applicant will be considered not only from the point of view of past achievements but also in terms of the prospects for continued or even increased contributions in the future as a tenured member of the faculty. Normally tenure is granted only to faculty of the rank of Professor, Associate Professor, or Assistant Professor.

(b) The needs of the University are another consideration. These needs are related primarily to the particular fields of specialization needed by the Department or School, the prospective needs of the curriculum or research programs, and the faculty needs viewed in the context of the present distribution of the faculty by rank, tenure, and field of specialization. While the approaches and emphases in the several Departments and Schools may vary, there should be a consistency of academic norms and standards throughout the University.

It is desirable that there be sufficient tenured faculty in each Department or School to provide stability and direction for that unit. A number of non-tenured faculty positions, however, should also be maintained in order to retain an ability to adapt to changing needs throughout the Schools of the University. In order to attain these objectives, it is the policy of the University that the tenured faculty of a Department or School should not constitute more than sixty (60) percent of the full-time faculty positions in the unit. In extraordinary circumstances (see Article 6.6g), the proportion of tenured faculty may exceed sixty (60) percent. In general, the appointment should be viewed in terms of the academic plans of the Department or School.

(c) It is recognized that the number of faculty positions allocated to the several academic units of the University may be modified from year to year. Such a modification will not, however, affect the base number for determining the proportion of tenured faculty during the two normal tenure decision periods following announcement of the change in faculty positions.

(d) The primary evaluation of the application for tenure in terms of the above factors is that made by the tenured faculty of the Department or School. Their recommendations are given the greatest weight in the final decision which is made by the University administration, (see Article 1.1), provided that this decision is made in accordance with the norms specified above.

6.5 Notification Concerning Tenure

Prior to the end of the sixth year of full-time service including service at other institutions of higher education in the United States or prior to the end of the third year at Fordham University in the case of faculty with three or more years of prior service at other recognized institutions, a faculty member will be notified as to whether he will receive a tenured appointment at the University. The effective date of the tenured status will normally be September 1 following such notification. A faculty member may apply for tenure in an earlier year. Early tenure is a rare and special privilege and applicants must show exceptional accomplishments under the standards enumerated in Article 6.4. Applications for early tenure will be accepted only when permission to file early has been granted by the Dean of the School after consultation with both the Department Chairman and the Vice President for Academic Affairs. The denial of tenure in an earlier year shall not prejudice a faculty member's application for candidacy for tenure in a subsequent year. At the School of Law, where the probationary period is six years (See Article 3.3), a faculty member shall be notified whether he will receive a tenured appointment at the University prior to the end of the fifth year of service.

6.6 Procedure for Deciding Tenure

The following procedures must be followed with respect to any appointment which confers tenure.

(a) A faculty member will be advised of the time when decisions concerning his tenure will be made (See Article 4.3c) and will be given an opportunity to submit materials which he believes will be helpful to an adequate consideration of his circumstances. This material must be submitted by February 1. Tenure decisions are normally made between February 1 and May 15.

(b) A faculty member applies or is invited to apply by his School or Department by February 1. He submits written material which may include, as required, publications and references from persons either within or outside the University. A faculty member may be considered for tenure in an earlier year (See Article 6.5).

(c) The tenured faculty of the Department or School will be provided with relevant material concerning the qualifications of the applicant for tenured appointment. This material includes information concerning his educational background, experience at other institutions, evaluations of his teaching, his research and publication record and his University and public service. A Department or School may employ the services of a committee of tenured faculty to obtain and organize information and evaluations concerning the faculty applicant for presentation to the tenured faculty. Appropriate steps are to be taken to include the opinion of students, normally only with regard to teaching effectiveness.

(d) All the tenured faculty members of the Department and/or School shall meet as a Committee (excluding those on Faculty Fellowship or Leave of Absence, or administrators tenured in the unit, if they are not present) to discuss and vote on the case. No committee shall be made up of fewer than five members. In Departments and/or Schools where there are fewer than five tenured members, the procedures for the constitution of such a committee are detailed in Article 6.6f. A valid meeting shall consist of eighty (80) percent of the tenured faculty (considering the exclusions indicated above) or five, whichever is greater. No committee may hold a valid meeting with fewer than five committee members. The vote by secret ballot of those present shall be taken at the meeting at which the discussion of the candidate is held. This vote shall be binding and shall be the accepted and official vote cast. To achieve a recommendation for tenure, a majority of those present and voting (considering the exclusions indicated above) must vote in favor of awarding tenure. Failure to secure such a favorable recommendation does not prejudice a reconsideration of the case on the basis of additional evidence.

(e) The Department Chairman shall inform the Dean of the Department's recommendation, also submitting, in writing, a full explanation of the reasons for the action. In addition, each tenured faculty member who participated in the vote will individually forward to the Dean at the same time a confirmation and explanation of his vote using the form entitled "Recommendation of Faculty Member of Tenure Decision". A recommendation of a Department, School, or Committee, made in accordance with the norms specified in Article 6.4 above, ordinarily shall be determinative of the ultimate decision to award or deny tenure, except where the case is referred to the University Tenure Review Committee. Administrators who are tenured faculty members may vote in a Department or School provided they do not have a further role in making the tenure decision.

(f) In cases where the eligible tenured faculty in a Department or School number less than five, procedures of Article 11.17 are to be followed.

(g) In an extraordinary circumstance wherein a Department or School has recommended a tenure appointment which would be an exception to the 60% policy as specified in Article 6.4, the case must be sent by the Vice President for Academic Affairs to the University Tenure Review Committee (See Article 11.14). This Committee shall recommend for tenure only such cases and act on these special exceptions where, in its opinion, the documented evidence gives cause for such adjustment above the basic allotment percent. It is the responsibility of this Committee to recommend, but only in rare cases and for compelling reasons, exceptions to the basic allocation percentage set forth. If the University Tenure Review Committee does not concur with the Department or School faculty recommendation for tenure appointments beyond the basic 60%, it may request reconsideration by the tenured faculty of that unit. The final recommendation of the University Tenure Review Committee shall be submitted to the President of the University. A recommendation of the University Tenure Review Committee ordinarily shall be determinative of the ultimate decision to award or deny tenure. If the President decides against the recommendation of the University Tenure Review Committee, he shall explain to them the reasons for his decision.

(h) The Dean of the School or the Deans of the several Schools of which the candidate is a member shall receive the recommendation of the tenured faculty, render their own evaluations and submit all the material to the Vice President for Academic Affairs.

(i) The Vice President for Academic Affairs shall make his own evaluation of the case including all the materials and recommendations. He may solicit advice from additional members of the faculty. Such additional faculty advice does not replace the original recommendation of the tenured faculty of the Department or School but is rather an aid to the Vice President in reaching his own decision. The Vice President for Academic Affairs will submit his recommendation to the President of the University.

(j) If the Vice President for Academic Affairs does not concur in the Department or School faculty recommendation, he may submit his reasons as new evidence and request formal reconsideration by the tenured faculty. If, after a second vote, the disagreement persists, the recommendations of the faculty and of the Administrators shall be submitted to the President of the University. If the President decides against the recommendation of the School or Department faculty, he shall explain to them the reasons for his decision.

(k) In the event the President of the University desires to confer tenure on a faculty member who has not received a favorable recommendation from the Department or School he must refer the matter to the Faculty Senate. No appointment conferring tenure can be made without either favorable recommendation by the Department or School or a favorable recommendation by the Faculty Senate.

(l) The President of the University shall submit to the Board of Trustees the names of those faculty who are recommended for tenure. On behalf of the Board of Trustees the President shall inform the faculty member to whom tenure has been granted by the Board no later than May 15th.

(m) In the event of a decision not to grant tenure the faculty member will be informed of the decision in writing by the Vice President for Academic Affairs by May 15th. If the faculty member so requests, he will be advised in conference with the Vice President for Academic Affairs of reasons which have contributed to that decision. The faculty member will be advised of the possible unfavorable consequences of providing a written statement for the decision. If, however, he still requests such a statement, it will be provided.

(n) In all the deliberations and recommendations concerning tenure the right of faculty and administrators to provide confidential recommendations shall be upheld. For this reason the deliberations of committees and the recommendations of individual faculty, students, administrators, and others must be kept in confidence.

(o) The case of a faculty member, who in accordance with the prescribed procedures, has been denied tenure does not necessarily have to be reconsidered either by the faculty or the administration in the absence of a recommendation by the Faculty Tenure and Reappointment Review Committee or the Faculty Hearing Committee.

6.7 Grievance Relating to Denial of Tenure

If a faculty member alleges that his case did not receive adequate consideration, he has the right to petition the Faculty Tenure and Reappointment Review Committee (See Article 10.5).

6.8 Retirement and Tenure

Upon reaching the age of retirement a tenured faculty member no longer retains the right of tenure. He may, however, at the request of his Department or School, be given subsequent appointments, by the Vice President for Academic Affairs, for periods no longer than one year (See also Articles 8.2 and 8.3). During such subsequent full-time employment he will retain the full voting rights of a tenured member of the faculty.

ARTICLE 7. PROMOTION IN RANK

7.1 Norms for Promotion

Faculty are considered for promotion each year. Promotion applications are evaluated in accordance with the qualifications for each rank as described in Articles 3.1 through 3.4. Although each of the qualifications must be included in the evaluations, the particular weight which is given to each may vary in the several Schools of the University. Length of service in a particular rank and adequate performance of regular duties do not in themselves constitute sufficient grounds for promotion. In faculty promotions the greatest weight is given the evaluations of a candidate by his faculty colleagues (See Article 1.1). All promotions are finally approved by the President of the University.

7.2 Procedures for Promotion

(a) At the beginning of the academic year the Chairman of each Department or the Dean of a School not organized by Departments shall consult with the senior faculty concerning those faculty members who should be considered for promotion in that year. By October 1, the Dean will send to each faculty member suggested for promotion consideration an invitation to apply for promotion. Such an invitation does not constitute a commitment on the part of faculty, Chairman or Dean to recommend promotion. A member of the faculty not so invited to apply may on his own initiative make application to his Dean for promotion, and such application has the same standing as one submitted upon invitation.

(b) The faculty member receives the necessary forms from the Dean by October 1 and returns them with all the supporting evidence required by November 1 so that his qualifications may be evaluated.

(c) The School or Departmental Promotion Committee for each rank shall consist of the Chairman (in a Department) and all faculty members who hold the rank, or higher rank, for which the faculty member is a candidate. A quorum at such a meeting shall consist of eighty (80) percent of all faculty who hold the rank, or higher rank, for which the faculty member is a candidate (excluding those on Faculty Fellowship, or Leave of Absence, or administrators tenured in the unit, if they are not present) or five whichever is greater. No Committee may hold a valid meeting with fewer than five Committee members. In Schools organized by Departments, the Dean shall appoint to the committee two additional faculty members of a Department or Departments other than the candidate's, one of these from nominations by the candidate. This procedure shall not preclude the use by the Department of a sub-committee for preliminary investigation of the applicant's qualifications.

(d) In cases where the Chairman and eligible Department faculty number less than five, the procedures of Article 11.17 are to be utilized.

(e) The Department Promotion Committee shall meet to discuss the qualifications of the applicant. The Chairman of the Department or presiding faculty member shall conduct a vote by written secret ballot. This vote shall be binding and shall be the accepted and official vote cast. To achieve a favorable recommendation, a majority of those, present and voting, must vote in favor of promotion. The Chairman shall inform the Dean of the Committee's recommendation, also submitting in writing, a full explanation of the reasons for the decision. Each member of the Committee shall also submit to the Dean a confirmation and explanation of his vote using the form entitled "Recommendation of a Faculty Member Concerning Promotion".

(f) On the basis of the recommendations of the Department Promotion Committee and his own evaluation the Dean submits his recommendation to the Vice President for Academic Affairs.

(g) The Vice President for Academic Affairs reviews all the material and recommendations on each application for promotion from all Schools of the University. In arriving at his own evaluations the Vice President for Academic Affairs may solicit advice from additional members of the faculty. The Vice President for Academic Affairs submits all the materials with his recommendations to the President of the University.

(h) In the event that the Vice President for Academic Affairs makes a final recommendation to the President contrary to the majority decision of the School or Department Promotion Committee, he shall explain his reasons in a meeting with Members of this Committee.

(i) Except in rare cases and for compelling reasons, no faculty promotion will be made over the expressed opposition of the School or Departmental promotion committee.

(j) The case of a faculty member who, in accordance with the prescribed procedures, has not been promoted does not necessarily have to be reconsidered during the same academic year by the faculty or the administration in the absence of a recommendation by the Faculty Grievance Committee or the Faculty Hearing Committee.

7.3 Notification of Promotion

The candidates for promotion are notified by January 15 as to whether their promotion has been approved. Promotions become effective at the beginning of the academic year following notification.

ARTICLE 8. RETIREMENT

8.1 Retirement Age

The retirement age for all members of the University Faculty is sixty-five. A tenured appointment will automatically terminate at the end of the academic year during which the faculty member attains the age of sixty-five. For this purpose the academic year shall be deemed to end on June 30. (See Article 3.5 for Emeritus Rank).

8.2 In exceptional cases a member of the faculty who has reached the retirement age may, upon recommendation of the tenured members of the Department and the Dean, be retained on the faculty at the discretion of the Vice President for Academic Affairs. This arrangement may be continued on a year-to-year basis for a maximum of three years. Beyond this point the faculty member may be retained, at most, on a half-time basis with half salary. Such an arrangement may not be extended beyond the end of the academic year during which the faculty member attains the age of seventy. (See Article 6.8).

8.3 The tenured faculty members of the School or Department shall meet to discuss and vote on the case. The vote by secret ballot shall be taken at a meeting at which a discussion of the candidate is held. A quorum at such a meeting shall consist of eighty (80) percent of the tenured faculty (excluding those on Faculty Fellowship or Leave of Absence, or administrators tenured in the unit, if they are not present), or five whichever is greater. To achieve a recommendation for retention beyond the retirement age, a majority of those present and voting (considering the exclusions indicated above) must vote in favor of such retention. The Department Chairman shall inform the Dean of the Department's recommendation also submitting in writing a full explanation of the reasons for the action. Administrators who are tenured faculty members may vote in a Department or School provided they do not have a further role in making the retention decision.

ARTICLE 9. TERMINATION OF FACULTY APPOINTMENTS

9.1 Termination by Faculty

A faculty member may terminate his appointment effective at the end of an academic year, provided that he gives notice in writing at the earliest possible opportunity, but not later than 30 days after receiving notification of the terms of his appointment for the coming year. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he would otherwise be denied substantial professional advancement or other opportunity.

9.2 Termination of a Tenured Appointment

Termination of an appointment with tenure or a probationary appointment before the end of the specified term will be effected by the University only for adequate cause as specified in Articles 9.3 and 9.4.

9.3 Termination Due to Financial Exigency or Discontinuance of a Program

Where termination of appointment is based upon financial exigency, or bona fide discontinuance of a program or Department of instruction, as determined by the Board of Trustees, faculty members shall be able to have the issues including their own status reviewed by the Faculty Hearing Committee (See Article 10.2) with ultimate review of all controverted issues by the Board of Trustees. In every case of such financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice as soon as possible, and never less than 12 months notice, or in lieu thereof he will be given severance salary for 12 months. Before terminating an appointment because of the abandonment of a program or Department of instruction, the institution must make every effort to place affected faculty members in other suitable positions. If a tenured appointment is terminated before the end of the period of appointment because of financial exigency, or because of the discontinuance of a program of instruction, the released tenured faculty member's place will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

9.4 Reasons for Dismissal

Members of the faculty including those who are tenured may be suspended or dismissed for one or more of the following reasons:

(a) Demonstrated neglect or unwillingness to perform the duties of an appointment in accordance with the established policies and procedures of the University.

(b) Conduct inconsistent with accepted professional and moral standards. This shall not be so interpreted as to constitute interference with academic freedom.

(c) Incompetent or inefficient service.

(d) Breach of employment contract.

(e) Physical or mental disability sufficient to prevent the normal performance of duties.

9.5 Filing of Charges

A member of the faculty who has tenure or whose appointment has not expired shall not be suspended or dismissed except after the filing of charges. Every charge shall be filed by or with the President of the University and shall be made in writing and shall be accompanied by evidence showing a probable cause. Charges may be made by the President, the Vice President, a Dean, a Director, or a Department Chairman. Each charge shall be specifically related to one or more of the grounds for suspension or dismissal set forth in Article 9.4 above, or to a specific abuse of the obligations of academic freedom specified in Article 2 above.

9.6 Suspension

The President of the University may suspend a member of the instructional staff pending the investigation of charges against him. Suspension of the faculty member during proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, such suspension will be with pay. Only the Board of Trustees may terminate the appointment of a faculty member who has tenure.

9.7 Invoking Code of Academic Due Process

When charges have been preferred against a member of the instructional staff the procedures and machinery set forth in Article 10.2 shall be expeditiously invoked for the purpose of determining the validity of the charges and the decision to be reached with regard to them.

ARTICLE 10. ACADEMIC DUE PROCESS

10.1 Classification of Cases to Which Procedures of Academic Due Process are Applied

The procedures established in Article 10 shall be applied to three broad categories of faculty status, rights and obligations:

(a) The dismissal or suspension of a faculty member or the non-reappointment or denial of tenure of a faculty member in which the faculty member alleges a violation of academic freedom. (Procedures of 10.2 apply).

(b) Grievances concerning tenure or non-reappointment where a violation of academic freedom is not alleged. (Procedures of 10.5 apply).

(c) Grievances concerning other matters, including but not restricted to promotion, and salaries or benefits. (Procedures of 10.6 apply).

10.2 Procedures Applicable to Cases of Dismissal, or Suspension, and Cases of Non-reappointment or Denial of Tenure in Which the Faculty Member Alleges a Violation of Academic Freedom

(a) Person entitled to the protection of these procedures:

(1) Tenured faculty members suspended or dismissed for cause.

(2) A non-tenured faculty member suspended or dismissed for cause prior to the expiration of his appointment.

(3) A faculty member to whom under existing rules the University has failed to give proper notice of termination.

(4) A faculty member who alleges that he has not been reappointed or that tenure has been denied him for reasons which violate academic freedom.

(b) Informal procedures as they apply to tenured members of the faculty:

(1) The University President, or his authorized representative, with or without his attorney or academic adviser, shall discuss the matter with the faculty member in a personal conference. Prior to such conference, the faculty member shall receive in writing from the President, or his representative:

(i) A clear statement of the facts which have given rise to the question, and

(ii) An invitation to attend a personal conference with or without an attorney or such academic adviser as he may select, and

(iii) A statement that any information adduced in informal conference may later be admissable at a formal hearing should the case come to that stage.

(2) If the matter is concluded by mutual consent at this point, the faculty member, upon his request, shall receive by registered mail a letter signed by the President, or his representative, setting forth the disposition thereof.

(3) In the event the matter is not resolved through the conference method, the parties to the dispute may agree to a submission of the controversy to one or more mediators chosen from the University or from any outside academic community.

(4) If the proposal of the mediator(s) is accepted by both parties, the faculty member shall receive by registered mail a letter signed by the President or his representative setting forth a disposition of the case.

(c) Formal procedures as they apply to tenured members of the faculty:

(1) After the Informal Procedures have been exhausted, then and only then, may the following Formal Procedures be initiated:

(2) The Faculty Hearing Committee:

There shall be a Faculty Hearing Committee as specified in Article 11.6. The Hearing Committee shall:

(i) Hear all cases brought before it.

(ii) Establish rules of procedure not inconsistent with any of the provisions of this Code of Procedure.

(iii) May appoint a lawyer to act as its counsel.

(3) A formal proceeding shall be started by sending identical copies of a formal communication from the President, or his representative, to the faculty member and to the Chairman of the Faculty Hearing Committee containing:

(i) A clear statement of the charge or charges, and

(ii) A detailed summary of the evidence upon which the charges are based, and

(iii) A copy of the relevant University regulations, Board of Trustees By-Laws, faculty legislation and procedures, and

(iv) A list of witnesses to be called, and

(v) A statement of the composition of the Faculty Hearing Committee and its powers, and

(vi) A statement that the time and place of the hearing shall be established by the Faculty Hearing Committee and shall be communicated to the faculty member, and shall permit the faculty member sufficient opportunity to prepare his defense, usually not less than thirty (30) days, and

(vii) A formal invitation to the faculty member to attend the hearing with or without his academic or legal adviser.

(4) Not less than one week before the scheduled hearing date, the faculty member shall submit to the President, or his representative, and to the Faculty Hearing Committee his written answer to the charges or he shall state that he desires no hearing to be held.

(5) A full record shall be taken at the hearing and the faculty member shall be entitled to a copy without cost.

(6) Proceedings of the Hearing Committee shall be closed to the public and no public statements concerning the case shall be made until after the final adjudication has been made. Any release to the public should be made through the President's office.

(7) Formal rules of court procedure need not be followed during the hearing.

(8) The President shall present the record and the judgment of the Faculty Hearing Committee to the Board of Trustees. If the Board of Trustees affirms the decision of the Hearing Committee, the matter shall be considered closed unless an appeal be taken pursuant to Item 10 below. If the Board disagrees with the decision, the proceedings shall be returned to the Committee with a written statement of specific objections from the Board. The Faculty Hearing Committee shall then reconsider the case, receiving new evidence, if necessary, and shall then render its decision and return the case to the Board of Trustees. A copy of the Board's final decision shall be distributed to both parties.

(9) If the faculty member fails to answer the charges, or states that he desires no hearing to be held, the Faculty Hearing Committee shall consider whether the stated grounds constitute adequate cause for dismissal, and in its discretion, may (a) request that the President, or his representative, present proof thereof, and/or (b) independently investigate the truth of the charges. In any event, the Faculty Hearing Committee shall forward its decision by registered mail, with or without giving the reasons for their judgment, to the President or his representative, and to the faculty member.

(10) At the request of either party, and not later than thirty (30) days after receiving notification of the action of the Board of Trustees, an appeal may be taken to the Board of Trustees. The Board's review shall be based upon the record made during the hearing before the Faculty Hearing Committee, and accompanied by the opportunity for written briefs and/or oral argument.

10.3 Informal procedures as they apply to non-tenured faculty members in cases specified in 10.2a: (2), (3), (4).

The University President, or his authorized representative, shall discuss the matter with the faculty member in a personal conference. If the matter is concluded by mutual consent at this point, the faculty member, upon his request, shall receive by registered mail a letter signed by the President, or his representative, setting forth the disposition thereof.

10.4 Formal procedures as they apply to non-tenured faculty members

After the Informal Procedures under Article 10.3 above have been exhausted, then and only then may the following Formal Procedures be initiated:

(a) Whenever a non-tenured faculty member alleges that (1) the University failed to give proper notice of termination, (2) he was dismissed for cause without justification prior to the expiration of his appointment or was denied reappointment or tenure for reasons which violated academic freedom, he shall have the burden of proving his allegations before the Faculty Hearing Committee.

(b) If the complaining party fails to establish a *prima facie* case that his complaint is valid, the Faculty Hearing Committee, shall, on its own motion or on the motion of the University, dismiss the complaint.

(c) If the complaining party has succeeded in establishing a prima facie case that his complaint is valid, the following procedures shall ensue, depending upon the nature of the complaint:

(1) In those cases in which the faculty member is alleging he has been suspended or dismissed prior to the expiration of his appointment without adequate justification, the procedure of 10.2c: (3-10)shall apply.

(2) In those cases in which the faculty member is alleging he has been terminated without proper notice or has been denied tenure or reappointment primarily by considerations violating academic freedom, the Faculty Hearing Committee shall initiate formal hearings after giving the faculty member sufficient time in which to prepare a formal statement of his allegations. The President of the University shall be provided with a copy of this formal statement not less than ten days prior to the initiation of formal hearings. The provisions of 10.2c; (3-10) shall govern subsequent proceedings.

10.5 Procedures Applicable to Grievances Relating to Tenure or Reappointment

(a) In the event that a faculty member feels that he has cause for grievance in a matter relating to tenure or reappointment, he shall have the right to petition the Faculty Tenure and Reappointment Review Committee (See Article 11.7). If the faculty member alleges that in the matter of tenure or reappointment there was a violation of academic freedom, the appropriate procedures shall be those described in Article 10.2.

(b) The petition shall set forth the reasons why the faculty member believes that his case did not receive adequate consideration, was decided upon arbitrary improper reasons, or was not handled according to University policies and procedures.

(c) The Committee shall have the right to decide whether or not the facts merit a detailed investigation. Submission of a petition will not automatically entail investigation or detailed consideration thereof.

(d) The Faculty Tenure and Reappointment Review Committee shall have the authority:

(1) To determine whether the decision of the appropriate faculty body was the result of

adequate consideration in terms of the relevant standards of the institution, with the understanding that the review committee should not substitute its judgment on the merits for that of the faculty body or administrative officer.

(2) To request reconsideration by the faculty body or administrative officer where the Committee believes that adequate consideration was not given to the faculty member's qualifications. (In such instances, the Committee should indicate the respects in which it believes the consideration may have been inadequate.)

(3) To provide copies of its report and recommendation to the faculty members, the faculty body, and the President or other appropriate administrative officer. Such Committee reports shall normally be filed within ninety (90) days of the receipt of the appeal. It is presumed that, if directed, the faculty body will reconsider the case expeditiously. Grievance procedures or any recommendations of this Committee shall not, in themselves, modify the effective date of a termination.

(4) If the Committee believes its recommendations were not adequately implemented, it may reconsider the case, and may forward a report to the President of the University for prompt transmittal to the Board of Trustees for final resolution.

10.6 Procedures Applicable to Grievances in Matters Other Than Dismissal, Suspension, Reappointment or Tenure

(a) If a faculty member feels that he has cause for grievance in any matter other than dismissal, suspension, tenure or reappointment he may petition the Faculty Grievance Committee for redress. Such grievances may include but are not restricted to those concerning promotion, and salaries or benefits.

(b) The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any factual or other data which the petitioner deems pertinent to his case. The Committee may seek to bring about a resolution of the issue satisfactory to the parties. If in the opinion of the Committee such a resolution is not possible or is not appropriate, the Committee will report its findings and recommendations to the petitioner, to the administrative officer or faculty body against whom the grievance was directed and to the Vice President for Academic Affairs.

(c) In an extraordinary case, in a matter of serious consequence, where the Vice President for Academic Affairs has been unable to effect a solution satisfactory to the Committee, it may direct its findings and recommendations to the President of the University for prompt transmittal to the Board of Trustees for a final decision within a reasonable time.

10.7 A grievance in any of the classifications (See 10.1) in order to be valid must be filed by the faculty member no later than ninety (90) days following notification to the faculty member of the decision against which the grievance is directed.

ARTICLE 11. FACULTY ORGANIZATIONS AND COMMITTEES

11.1 Faculty Senate

The Faculty Senate is a representative body, elected by and from the University faculty, and serves in an advisory capacity to the President in matters of common concern to the University Administration and to the faculty. The Senate also has the right to initiate recommendations on policy in all areas of University activity. It regularly consists of twenty-four members elected by the eligible faculty of all Schools of the University. (See Appendix B for Constitution and By-Laws of the Faculty Senate).

11.2 Senate Appointments to Committees

(a) In addition to the Committees specified in these Statutes, the Faculty Senate shall make appointments of faculty members to serve on committees of all types. In making these appointments, the Faculty Senate shall make every reasonable effort to represent fairly the several Schools and Campuses of the University.

(b) Faculty members serving on such Committees as representatives of the faculty shall be required by the Faculty Senate to report to it or seek its advice concerning particular issues.

(c) The term of office of all Committees, regardless of length or service specified under descriptions of each Committee, shall run through an academic year. New appointees or elects, unless otherwise specified in these Statutes, shall take over at the beginning of the academic year. The exception to this is an appointee or elect who is designated to complete the unexpired term of a Committee member.

11.3 University Committees

(a) A University Committee is a Committee formed by the President of the University or the Board of Trustees to study matters which affect more than one School or College or the whole University and which are not otherwise provided for in the University Statutes. The Faculty Senate may also recommend to the President or to the Board of Trustees that a specific University Committee be established to investigate a particular multi-School or University-wide problem.

(b) The procedures for appointment of faculty members are as follows: The Executive Committee of the Faculty Senate shall meet with the President of the University to discuss the purpose and nature of the University Committee.

The Executive Committee shall present a list of nominees to the Faculty Senate. From this list, the Faculty Senate shall select twice the number of faculty representatives requested by the President. The latter shall then make the final selection of faculty representatives from this slate. In making these appointments, the Faculty Senate and the University President shall make every reasonable effort to represent fairly the faculty of the University.

(c) Faculty members serving on University Committees, as representatives of the faculty, shall be required by the Faculty Senate to report to it or to seek its advice concerning particular issues.

(d) This section is not intended to preclude the appointment by the President of the University of any group of his choosing to give him advice and counsel.

11.4 College or School Committees

Each College or School has a number of faculty committees. Committee membership is either by appointment by the Dean, or election by the faculty. Service on committees is considered an important part of the faculty member's duties at the University.

11.5 Departmental Committees

Each Department or Division has a number of faculty committees. Committee membership may be by election by the Departmental or Divisional faculty or by appointment by the Chairman.

11.6 The Faculty Hearing Committee

(a) There shall be a Faculty Hearing Committee which shall have responsibility for conducting hearings in cases involving the dismissal or suspension of a faculty member and cases of non-reappointment or denial of tenure in which the faculty member alleges a violation of academic freedom. (See Article 10.2).

(b) The Faculty Hearing Committee shall consist of five (5) tenured faculty members appointed by the Faculty Senate. The terms of office of members of the Committee shall be two years with reappointment possible for only one additional two-year period. No full-time administrator, nor any faculty member whose duties are principally administrative, shall be a member of the Faculty Hearing Committee. Chairmen of Departments are not excluded under this clause. Not more than one member of any Department shall serve as a member of the Faculty Hearing Committee. In the event of a disqualification of a member of the Faculty Hearing Committee for a particular case the Faculty Senate shall appoint a substitute for the particular case. The Faculty Hearing Committee shall elect its own chairman. (Concerning replacement members, see Article 11.9.)

11.7 Faculty Tenure and Reappointment Review Committee

(a) There shall be a Faculty Tenure and Reappointment Review Committee which shall have responsibility for consideration of petitions in which the faculty member alleges that he was denied tenure or was not reappointed as a result of inadequate consideration of his case, for arbitrary or improper reasons or as a result of failure to follow proper procedures or policies. The procedures of the Committee are those specified in Article 10.5.

(b) The Faculty Tenure and Reappointment Review Committee shall consist of five (5) tenured members of the faculty appointed by the Faculty Senate. The terms of office of members of the Committee shall be two (2) years with reappointment possible for one additional two-year term. No full-time administrator, nor any faculty member whose duties are principally administrative, shall be a member of the Faculty Tenure and Reappointment Committee. Chairmen of Departments are not excluded under this clause. Not more than one member of any department shall serve as a member of the Tenure and Reappointment Committee. In the event of a disqualification of a member of the Tenure and Reappointment Committee for a particular case the Faculty Senate shall appoint a substitute for the particular case. The Committee shall elect its own chairman. (Concerning replacement members, see Article 11.9.)

11.8 Faculty Grievance Committee

(a) There shall be a Faculty Grievance Committee which shall have responsibility for consideration of grievance petitions by faculty in matters which include but are not restricted to promotion, salary and benefits (See Article 10.6).

(b) The Faculty Grievance Committee shall consist of five (5) members of the Faculty appointed by the Faculty Senate. The terms of office of members of the Committee shall be two years with reappointment possible for only one additional two-year period. No full-time administrator nor any faculty member whose duties are principally administrative, shall be a member of the Faculty Grievance Committee. Chairmen of Departments are not excluded under this clause. No more than one member of any Department shall serve as a member of the Faculty Grievance Committee. In the event of a disqualification of a member of the Faculty Grievance Committee for a particular case the Faculty Senate shall appoint a substitute for the particular case. The Committee shall elect its own Chairman. (Concerning replacement members, see Article 11.9)

11.9 Replacement of Members of Committees described in Articles 11.6, 11.7 and 11.8

The Faculty Senate shall, in addition to the regularly elected members specified, elect a reserve pool of at least three additional qualified faculty members to be available for immediate replacement in case of disqualification of any member for a particular case. The temporary appointment from the reserve group shall be made by the Executive Committee of the Faculty Senate (excluding those who may be a party in the particular case) for that one case in order to expedite case consideration by the Committee.

Because of time pressure and the unavailability of the required number for the Committee, the Chairman of the Committee may request a substitute appointed by the Executive Committee of the Faculty Senate from this pool, for a particular case, even if there is no disqualification.

11.10 Confidentiality in the Work of Committees

The three committees described in Articles 11.6, 11.7 and 11.8 shall have the right to review all relevant documents and correspondence and to interview witnesses. The members of these committees are bound to treat the contents of such documents as confidential.

11.11 Faculty Handbook Committee

(a) The Faculty Handbook Committee appointed by the Faculty Senate is charged with the responsibility for reviewing proposed changes and making recommendations on faculty and administrative policies and procedures. (See Article 13.3).

(b) The Faculty Handbook Committee shall consist of twelve members appointed by the Faculty Senate, and the President of the Faculty Senate, ex officio. Members of the Committee shall be appointed for three-year terms, except that in the appointments of the Fall of 1975, members will be appointed for one, two or three-year terms as follows: four for one-year terms; four for two-year terms; and four for three-year terms. The Committee shall elect its own Chairman.

(c) After the Faculty Handbook Committee has approved any additions, changes, or deletions in the University Statutes, the proposal must be submitted to the Faculty Senate for approval. Upon Faculty Senate approval, these proposals shall be submitted to the President of the University for his comments and forwarding to the appropriate Committee of the Board of Trustees for their approval. The Chairman of the Faculty Handbook Committee and the President of the Faculty Senate shall meet, if requested, with the Committee of the Board of Trustees to answer any questions that may arise. Upon Board of Trustees approval, the Vice President for Academic Affairs shall have these articles reproduced and distributed to the entire faculty and incorporated in all subsequent copies of the University Statutes.

11.12 Faculty Library Committee

(a) There shall be a Faculty Library Committee with responsibility for advising the University Librarian concerning the establishment of University library policies, and the library budget.

(b) The Faculty Library Committee shall consist of nine members of the faculty appointed by the Faculty Senate. The members shall be appointed for three-year terms and may be reappointed for one additional three-year term. The Committee shall elect its own Chairman.

(c) The Law School Library does not fall within the jurisdiction of the Faculty Library Committee or of the University Librarian.

11.13 Research Council

(a) The Research Council has responsibility for drawing up research policies and procedures including operational guidelines for the Office of the Director of Research Services (See Section VII). The Council shall report to the President of the University; the Faculty Senate may require the Chairman of the Council to advise the Senate of the Council's policies and work and seek the Senate's advice.

(b) The Research Council is a Presidential Council. Its members are appointed by the President of the University from a list of nominees submitted by the Faculty Senate based on recommendations from the Research Council and the Faculty Senate (See 11.13e below).

(c) There shall be eleven members of the Council, six from the Liberal Arts and Science faculties at Rose Hill and the Graduate Institute of Religious Education, and one each from the School of Education, the Law School, the School of Social Service, the Liberal Arts College at Lincoln Center, and the College of Business Administration.

(d) The members from the Liberal Arts and Science faculties at Rose Hill and the Graduate Institute of Religious Education shall include the Dean of the Graduate School, ex officio, and five other faculty members chosen so as to reflect the interests of the natural sciences, the social sciences and the humanities. A faculty member shall be appointed from each of the five other Schools named in 11.13c above.

(e) The Research Council and the Faculty Senate will nominate new members for appointment by the President of the University (see 11.13b) above. In making its nominations, the Research Council shall seek the advice of the Deans and Departments and/or Divisions of the relevant Schools named in (11.13c) above, and shall solicit applications from all interested faculty of that School. Applications for places on the Research Council nomination list must contain supporting data. The Research Council, from these applications, shall try to place in nomination as many as three times the number of candidates as there are places on the Research Council. The Council shall submit a list of nominees to the Faculty Senate with appropriate notations about qualifications. The Faculty Senate may increase the number of nominees by no more than the number of names submitted by the Research Council. The candidates proposed by the Faculty Senate must also have appropriate notations about qualifications. All these nominees shall be voted on by the Faculty Senate and the final list shall be forwarded to the President of the University for his selection and appointment.

(f) The term of office for each member of the Council will be three years with the possibility of renomination for a second three-year term, except that by March 15, 1976, members will be nominated for one, two, or three-year terms as follows: four shall be selected for one-year terms: two members of the faculties of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education; one member of the faculty of the Law School; and, one member of the faculty of the School of Social Service. Three for two-year terms: one member of the faculties of the Liberal Arts and Science Departments of Rose Hill and the Graduate Institute of Religious Education; one member of the faculty of the School of Education; and, one member of the faculty of the College of Business Administration. Three for three-year terms: two members of the faculties of the Liberal Arts and Science Departments of Rose Hill and the Graduate Institute of Religious Education; and one member of the faculty of the Liberal Arts College of Lincoln Center. In all cases, nominations shall be presented to the Faculty Senate by March 15th, so that the selection process may be completed during the Spring semester and so that there will be a fully-manned Committee at all times.

(g) The Chairman shall be nominated by the Council for appointment by the President for a two-year term which is non-renewable.

11.14 The University Tenure Review Committee

(a) Responsibility of the Committee

(1) The University Tenure Review Committee shall have the responsibility for reviewing, from a University-wide perspective, all applications for tenure above the designated basic allocation percentage and any cases which the Vice President for Academic Affairs may wish to refer to it. This review is for the purpose of insuring that the long-range needs of the School and the University are being considered. The Committee shall make its recommendations to the President of the University. A recommendation of the University Tenure Review Committee ordinarily shall be determinative of the ultimate decision to award or deny tenure.

(2) The University Tenure Review Committee must review and report to the Faculty Handbook Committee by February 15, 1975, and February 15th every two years thereafter, on the formula and procedures of the allocation system.

(b) Composition of the Committee

(1) The University Tenure Review Committee shall consist of eleven members: The Vice President for Academic Affairs; five members of the faculties of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education; one member of the faculty of the College of Business Administration; one member of the faculty of the School of Education; one member of the faculty of the School of Social Service; two members of the faculty of the Liberal Arts College at Lincoln Center. The Committee shall elect its own Chairman.

(2) The University Tenure Review Committee shall be elected by the Faculty Senate from a list of nominations presented by the Schools of the University. Nominations shall be secured in the following manner: The President of the Faculty Senate shall, during the Fall semester, present to the faculty of each School, a list of all full-time tenured faculty of that School. Each member of the School's faculty shall nominate three names from the list and return his ballot to the President of the Faculty Senate. The Senate President shall arrange for the counting of the ballots and rank the nominees according to the number of votes each one has received.

Enough nominees shall be selected beginning at the top and descending down the ranked order, to supply two nominees for each of the seats allotted for that School. No more than one member of any Department or Division may serve as a member of this Committee. The Faculty Senate shall then elect the members of the Committee from this list of nominees.

(3) Members of the Committee shall be elected for three-year terms, except that in the election of the Fall of 1973, members will be elected for one, two, or three-year terms as follows: three shall be elected for one-year terms: one member of the faculty of the Liberal Arts College at Lincoln Center and two members of the faculties of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education; for two-year terms: one member of the faculty of the Liberal Arts College at Lincoln Center, one member of the faculty of the College of Business Administration, and two members of the faculties of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education; for three-year terms: one member of the faculty of the School of Education, one member of the faculty of the School of Social Service, and one member of the faculty of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education. No member of the Committee shall serve for more than one sequential three-year term.

(4) The term of office for this Committee shall commence at the opening of the Spring semester. In any case where the University Tenure Review Committee decision calls for a rehearing or other procedures that will require reconsideration by this Committee, regardless of timing, the same University Tenure Review Committee that originally acted on this case, to the extent possible, must be reconvened to complete the work on this particular case.

(5) If a vacancy occurs in the Committee, the President of the Faculty Senate shall:

(i) As promptly as is practicable, fill such vacancy by certifying as elected thereto, the qualified candidate who accepts such certification, who secured the next highest number of votes in the final election of the Committee members by the Faculty Senate, as in 11.14b(2) above, in the faculty of the School in which the vacancy occurs.

(ii) If the vacancy is not filled as provided in sub-paragraph (i), the President of the Senate shall cause to be held a special election by the faculty of the School which elected the member to be replaced.

(iii) Committee members filling vacancies pursuant to this article shall serve out the terms of those whose vacancies they fill.

11.15 Faculty Salary and Benefits Committee

(a) There shall be a Faculty Salary and Benefits Committee (See 12.1a) with responsibility for reviewing with the administration the faculty salary structure in the University, except for the School of Law, and negotiating with the administration in an attempt to reach agreement regarding the University's allocations for faculty salaries and benefits and the guidelines to be followed in determining individual faculty salaries. The Faculty Salary and Benefits Committee shall report on its negotiations to the Faculty Senate for discussion and approval before reaching a final agreement on those matters with the President. Nothing in the above shall be taken to modify the authority of the Board of Trustees to establish the University Budget proposed to it by the President.

(b) The Faculty Salary and Benefits Committee shall consist of ten members to be selected as follows: Five members of the faculties of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education; one member of the faculty of the College of Business Administration; one member of the faculty of the School of Education; one member of the faculty of the School of Social Service; two members of the faculty of the Liberal Arts College. The Committee shall elect its own Chairman. The Committee shall not represent the School of Law.

(c) The Faculty Salary and Benefits Committee shall be elected by the Faculty Senate from a list of nominations presented by the Schools of the University. Nominations shall be secured in the following manner: The President of the Faculty Senate shall, during the fall semester,present to the faculty of each School, a list of all full-time faculty of that School. Each member of the School's faculty shall nominate three names from the list and return his ballot to the President of the Faculty Senate. The latter shall arrange for the counting of the ballots and rank the nominees according to the number of votes each one has received. Enough nominees shall be selected beginning at the top and descending down the ranked order, to supply two nominees for each of the seats allotted for that School.

The Faculty Senate shall then elect the members of the Committee from this list of nominees. Of the five members of the Committee elected by the Senate to represent the faculty of the Liberal Arts and Science Departments on Rose Hill and the Graduate Institute of Religious Education, three shall be elected from the tenured faculty, two from the non-tenured faculty nominated. Of the two members of the Committee elected by the Senate to represent the members of the faculty of the Liberal Arts College, one shall be elected from the tenured, and one from the non-tenured nominated.

(d) Members of the Committee shall be elected for two-year terms in an election held in the Spring semester, so that there will be a fully-manned Committee at all times. No member of the Committee shall serve for more than two consecutive two-year terms. The persons nominated and subsequently elected, shall be deemed to have the status they hold at the time of election, regardless of a status change which may occur after the election. The term of office of this Committee shall begin on July 1st.

(e) If a vacancy occurs in the Committee, the President of the Senate shall:

(1) As promptly as is practicable, fill such vacancy by certifying as elected thereto the qualified candidate who accepts such certification who secured the next highest number of votes, in the final election of the Committee members by the Faculty Senate, as in (c) above, in the faculty of the School in which the vacancy occurs.

(2) If the vacancy is not filled as provided in subparagraph (1), the President of the Senate shall cause to be held a special election by the faculty of the School which elected the member to be replaced.

(3) Committee members filling vacancies pursuant to this article shall serve out the terms of those whose vacancies they fill.

11.16 The Computer Center Advisory Committee

(a) The Computer Center Advisory Committee shall have the responsibility for advising the Executive Vice President concerning the organization and operation of the Computer Center. Recognizing that the Computer Center serves both administrative and academic needs, the Committee will advise the Executive Vice President on the most effective means of meeting these needs.

(b) The Committee shall consist of the Director of the Comprehensive Information System, the Registrar, the Controller, and the Director of Development, and six members of the faculty elected for three-year terms by the Faculty Senate. The Executive Vice President shall serve *ex officio*.

(c) In the initial election two faculty members shall be elected for one-year terms, two faculty members for two-year terms and two faculty members for three-year terms. After this initial election, all Committee members shall serve for three-year terms.

The Committee shall elect its own Chairman. No Chairman shall serve for more than one sequential two-year term.

(d) The Committee working in cooperation with the administration shall report to the Faculty Senate concerning the organization and operation of the Computer Center especially concerning progress made in identifying problems and finding solutions.

The Committee shall render an annual report to the Faculty Senate by March 15th of each year.

11.17 Composition of certain committees in the event that the eligible faculty number less than five

(Procedures for the appointment of additional faculty in the event that eligible faculty number less than five are being developed. For 1975-76 consult the Vice President for Academic Affairs or the President of the Faculty Senate.)

11.50 Department Chairman

(a) Selection of the Chairman

(1) One member of the Department or Division shall be selected as Chairman of the Department or Division. The Chairman shall be selected, whenever possible, from among the tenured Professors and Associate Professors in the Department or Division.

(2) Chairmen of the Departments shall be nominated by secret written ballot at a meeting of all tenured faculty and all non-tenured full-time faculty members who have completed one academic year of service at the University and hold the rank of Assistant Professor, Associate Professor, or Professor. If there are fewer than five that meet the above requirements, the ineligible faculty shall elect, by written secret ballot , as many of their number as will be required to make five members for this group. In Departments where there are fewer than five faculty members, the total faculty in that Department shall be the voting unit. In all cases, any member of the faculty having a terminal notice or contract shall not be eligible to vote for this position, unless that faculty member will serve under the Chairman to be appointed.

(3) Prior to this meeting, the Dean shall consult with the above-mentioned group to explain his perspectives on the question of selection of a new Chairman.

(4) A quorum at such a meeting shall consist of eighty (80) percent of all faculty as indicated above (excluding those on Faculty Fellowship, or Leave of Absence, or administrators tenured in the unit, if they are not present) or five whichever is greater, noting the exception indicated above.

(5) By a majority vote of those present and voting at this meeting, the faculty shall determine which nominee or nominees (no more than three) shall be transmitted to the Dean. The Dean will transmit the Department or Division recommendation(s) together with his own comments to the Vice President for Academic Affairs. If, in an exceptional case, the Vice President for Academic Affairs feels unable to appoint any of the Department's nominees, he and the Dean shall meet with the nominating group to try to resolve the issue. Failing this, the Vice President for Academic Affairs may appoint an Acting Chairman (See 11.52).

(6) These requirements do not apply to Directors of Programs or Area Chairmen. For such positions, if it is intra-Departmental, the selection shall be made by the Chairman of the Department. If it is inter-Departmental, the appointment shall be made by the Dean of the School or College.

(b) The term of office for the Chairman shall be three years, unless special circumstances require an appointment for a shorter period. He may be reappointed, using the procedure specified in Article 11.50a for an additional term of three years. After serving two terms, the Chairman may be reappointed on a year-to-year basis employing the procedures specified above.

(c) The Chairman shall receive a stipend of from $500 to $1,000, the amount depending upon the total student-credit hours in the Department concerned. The Chairman will normally carry a reduced teaching load to enable him to carry out his administrative duties.

(d) Termination of the appointment of the Chairman may be requested through a petition to the Dean of the School by at least two-thirds (2/3) of the faculty of the Department, as defined in Article 11.50a. Upon receipt of such a petition, the Dean shall investigate the alleged complaint upon which the petition was based, and attempt to reconcile the differences. If he is unable to do so, the Dean shall then turn the matter over to the Vice President for Academic Affairs who shall conduct a hearing where all parties shall be represented. The decision of the Vice President for Academic Affairs shall be final.

11.51 Responsibilities of the Chairman

The Chairman shall carry out his duties in accordance with policies of the School and the University and the procedures, policies, and rules of the Department. The duties shall include, but not be limited to:

(a) Calling and presiding at Department meetings.

(b) Promulgating Department policies and procedures.

(c) Representing the Department in consultations with administrators and other units of the University.

(d) Informing the Dean of the School and the Vice President for Academic Affairs on Department policies and procedures and on the needs of the Department.

(e) Communicating University or School policies, procedures and directives to the members of the Department faculty.

(f) Administration of the Department including supervision of the staff and provisions for facilities of the Department.

(g) Appointing Department Committees.

(h) Preparation of the Department budget and supervising expenditures thereof.

(i) Recommendations for faculty appointments, reappointments, tenure and promotion.

(j) Responsibility for (i) developing the instructional program; (ii) planning for curriculum development; (iii) dealing with students, including admission of students to Department programs.

(k) Establishing course offerings and schedules and assigning schedules to each member of the Department after consultation.

11.52 Acting Chairman

(a) When a Department or a Division, because of an unusual situation as determined by the Dean of the School or College and the Vice President for Academic Affairs, is unable to nominate a suitable candidate as Chairman of the Department, the Vice President for Academic Affairs in consultation with the Dean of the School or College shall appoint an Acting Chairman. This appointment may be made for only one academic year. However, should the situation be a continuing one, the Vice President for Academic Affairs shall refer the matter to the Council of that School or College to resolve the situation.

(b) In the case of a protracted illness or other inability to serve of a Chairman, the Vice President for Academic Affairs, after consulting with the Dean and the senior faculty, may appoint an Acting Chairman until such time as the Department or Division can institute the proceedings for nominations of a new Chairman as indicated in Article 11.50a.

11.53 Assistant Chairmen

Where in the opinion of the Chairman, upon consultation with the Department, it is felt that the work of the administration of the Department requires additional help, the position of Assistant Chairman may be proposed. Such an administrative appointment is made by the Vice President for Academic Affairs for a one-year term, which may be renewed, upon nomination by the Dean of the School or College. The Dean shall receive the Departmental recommendation through the Chairman. Appropriate work load adjustments and compensation will be arranged.

ARTICLE 12. FACULTY SALARIES AND BENEFITS

12.1 Faculty Salaries

(a) Review of Salary Structure

The structure of the faculty salaries in the University is reviewed each year. In reviewing the salary structure in general, the President and/or his delegate shall meet with the Faculty Salary and Benefits Committee and appropriate Law School Committee (see Article 11.15). The Committee shall be provided with all relevant financial data concerning the University budget and its allocation of monies for faculty salaries and benefits. In their deliberations, the Committees shall negotiate with the administration in an attempt to reach agreement regarding the amount to be allocated to faculty salaries and benefits and the guidelines for the determination of salary increments, adjustments and benefits.

(b) Determination of Individual Salaries

As soon as the guidelines for the determination of faculty salaries have been announced, the Dean of each School in consultation with the Chairmen of the Departments shall make recommendations as to salaries for the faculty of his School to the Vice President for Academic Affairs. Each faculty member shall be informed by February 1 of his salary for the subsequent year. In the event that a faculty member feels that he has a cause of grievance concerning his salary or benefits which he cannot resolve in consultation with his Chairman, the Dean, or Vice President for Academic Affairs, he may petition the Faculty Grievance Committee.

(c) Method of Payment

Faculty members are paid for a nine-month academic year. Faculty, however, may elect the option of being paid in either ten or twelve installments. Those who wish the twelve-payment option must notify the Office of the Treasurer in writing by August 1. Salary checks are mailed to the faculty member's home so as to arrive on or before the last working day of each month.

(d) Publication of Salary Scales

The current minimum salary scales and the average compensation (including fringe benefits) by rank for University faculty shall be published each year before December 1 by the Office of the Vice President for Academic Affairs. This publication shall become an appendix to these Statutes.

12.2 (a) Retirement Plan

(1) All regular full-time faculty members and Administrators may participate in the TIAA plan. Participation is voluntary after one year of service; it is required after three years of service for those eligible individuals who will have reached age 30 by the end of that period; otherwise entrance into the plan may be deferred until age 30 is reached. The initial one-year waiting period is waived for any individual, otherwise eligible, who already owns a retirement annuity contract issued by TIAA. The usual entering date for this plan is September 1 of each year.

(2) For the purpose of this retirement plan the retirement age is 65. The University will make no further contributions toward an annuity beyond the month the annuitant reaches age 65. However, actual retirement occurs at the end of the fiscal year in which age 65 is reached.

(3) Contributions to this retirement plan have been fixed at 5% of base salary contributed by the faculty member. The University pays 5% on the amount of salary subject to Social Security tax, but has increased its contribution on base salary above the amount subject to Social Security tax to 10% in 1970-71. Hence, the total contribution on base salary subject to Social Security tax is 10% (faculty member 5%, University 5%), but the total contribution on base salary above the amount subject to Social Security tax is 15% (faculty member 5%, University 10%). The Treasurer's Office will deduct the faculty member's contribution from regular salary payments, add the University's contribution, and then apply the combined sum to the purchase of retirement benefits for the faculty member. At the option of each participant a percentage of monthly pension payments may be applied to the purchase of CREF (College Retirement Equities Fund) retirement annuity certificates. The amount of this percentage, to be applied to both University and individual contributions, may be fixed by the individual contributor at any rate between 25% and 75%.

(4) "Base Salary" does not include stipends for Departmental Chairmen, teaching salary for Summer Session or General Studies, additional research contracts or grant allowances or similar extra remuneration.

(5) At the present time, it is possible for an individual to take advantage of a tax deferment option which is

approved under the Internal Revenue Code. A tax deferment option, briefly, represents a transfer of a portion of the individual's salary to a direct contribution to the retirement plan. Many individuals find that the election of such an option has overall income tax advantages. Details about the option and how to apply for it may be obtained from the Treasurer's Office.

(6) During paid faculty Leaves of Absence (e.g., Faculty Fellowships during the academic year), the University will continue its contribution on the same percentage basis as during the previous year if the participant does likewise. When a faculty member is on Leave of Absence without pay, the University makes no contribution, but the faculty member may keep his contract active by making payments directly to TIAA.

(7) Each TIAA retirement annuity contract and CREF certificate purchased under this plan is for the sole purpose of providing a retirement and/or death benefit and is the property of the individual participant. This means that the University's contributions toward retirement benefits become immediately vested in the participant.

(8) If a faculty member leaves the employ of Fordham University for reasons other than retirement or disability, he may (1) continue making payments on the contract directly to TIAA, (2) discontinue payments and allow the accumulation to increase through interest earnings, or (3) request TIAA to purchase the contract, provided that it has been in effect not longer than five years. If, at the discretion of TIAA, the contract is repurchased, the University and the faculty member receive the portion which each has contributed plus the accumulated interest.

(9) No new faculty have been enrolled in the original Equitable Retirement Plan since 1964. In March 1965, the University faculty and administrative officials (as of that date) were offered the option of discontinuing payments in the Equitable Retirement Plan and purchasing individual annuity contracts with the Teachers Insurance and Annuity Association (TIAA).

(10) For the TIAA Retirement Plan the booklet Your Retirement Annuity is available in the Personnel Office. Furthermore, TIAA advisory officials will be glad to supply information directly to interested faculty members.

(b) Supplementary Retirement Plan

(1) The University guarantees to make to all present and future retirees who have served at least twenty years as full-

time faculty members such supplementary cash payments which, when added to the retiree's retirement income (consisting of TIAA/CREF, Equitable and personal Social Security benefits) will aggregate the following minimum "retirement package":

Years of Full-Time Service	Retirement Package
20-25	$5,200
26-30	$5,400
31-35	$5,600
36-40	$5,800
41 and over	$6,000

(2) In computing Social Security benefits, only Social Security benefits of the individual (and no one else's) will be considered.

(3) Moreover, increases in Social Security benefits subsequent to one's retirement will not result in a diminution of Fordham's supplemental payment to that individual, once that supplement is established.

(4) No means test is to be used in determining whether a faculty member qualifies hereunder. On the other hand, earned income representing compensation for services (i.e., wages or net income from fees) can count as retirement income in determining the amount of annual supplemental payment necessary to reach the desired aggregate retirement package. In this regard, the first two thousand ($2,000) dollars of such annual earnings will not diminish Fordham's supplemental payment and thereafter any excess will reduce Fordham's supplemental payment dollar for dollar. This program will not impair supplemental payments presently being paid retirees.

12.3 Social Security

The University provides Social Security coverage for all full-time faculty members. The extent of coverage and the contributions made under the program by the University and by the faculty member are determined by Federal Law. The University contributes to Social Security the identical amount of payment made by the faculty member. Benefits from Social Security are independent of, and in addition to, the benefits received under the retirement plan.

12.4 Group Insurance

(a) In 1947 the University entered into a Group Life Insurance contract with the Prudential Insurance Company of America. This contract has been amended on a number of occasions since that time to provide increased amounts of insurance coverage.

(b) Participation in the Group Insurance Plan is compulsory for faculty and administrative personnel after one year at the University. The Plan is on a contributory basis with each participant contributing $7.20 per thousand dollars of insurance per year, and the University defraying the balance of the cost. Upon reaching retirement age, a member of the faculty receives $2,000 worth of insurance for which the University defrays the entire cost. Those appointed for the first time to the University full-time faculty at age 55 or above are not eligible for participation in the Group Insurance Plan.

(c) Under the terms of the most recent agreement (1959), the maximum insurance coverage under the Group Insurance Plan is as follows:

Instructors	$7,500
Assistant Professors	$12,000
Associate Professors	$18,000
Professors, Deans and all others with twenty years of service	$20,000

(d) No physical examination is required for this Group Insurance Plan. Pro rata deductions are made from each salary check throughout the year. Further details of the plan may be obtained from the Personnel Office of the University.

12.5 Workmen's Compensation

(a) The University maintains Workmen's Compensation Insurance for the benefit of faculty members and administrators. The scope of coverage and the amount of benefits are determined by the laws of the State of New York.

(b) All accidents, no matter how trivial they may seem, which occur in the line of University duties should be reported to the University Personnel Office without delay, preferably on the day of occurance, and the Dean or other responsible official should be asked to write a report of the accident.

12.6 Sick Leave

(a) In case of disability of a full-time faculty member who has completed one year of service, the University continues regular salary payments during the first six calendar months of disability for those months for which the employee would have been paid had he not been disabled. If the disability continues longer than six calendar months and the disabled staff member qualifies for benefits under the University

Total Disability Plan, benefits will be paid in accordance with the provisions of that Plan (See Article 12.7, and Article 4.9).

(b) During the first year of service, sick leave is granted on an individual basis, with a maximum allowance of one calendar month. If the disability continues beyond one month, the University may grant a Leave of Absence without pay if, in the opinion of the University, such a leave would serve the best interests of the institution.

(c) Physical inability to perform work as a result of pregnancy shall be considered as illness for the purpose of determining eligibility for the granting of sick leave.

12.7 Total Disability Benefits Plan

(a) On December 1, 1967, the University adopted a Total Disability Benefits Plan underwritten by Teachers Insurance and Annuity Association (TIAA) for all full-time faculty and administrative members.

(b) The plan provides benefits which begin after six consecutive months of total disability and continue during such disability until age 65, or if later, the completion of eighteen consecutive months of such disability. The monthly income benefit, including any income benefitspayable from Social Security and Workmen's Compensation is equal to 60% of the covered monthly salary as of the date the disability began, or $1500, whichever is less. Also provided for participants in the University Retirement Plan is a waiver of premium benefit which is applicable to Retirement Annuity Payments.

(c) Faculty and administrators become eligible on the first day of the month coinciding with or next following the completion of one year of service. A one-year waiting period is required. This waiting period is waived should a newly engaged person have been insured under another TIAA Group Total Disability Benefits policy providing monthly income benefits within three months prior to his employment. The entire cost of this program is borne by the University.

(d) Details of this plan are set forth in a brochure, "Total Disability Benefits Plan." This brochure and any additional information may be obtained from the Personnel Office located in Faculty Memorial Hall, Room 506 or by calling Extension 334.

(e) For those faculty members and administrators enrolled in the Total Disability Benefits Plan the University continues the full salary for the first six calendar months of disability for those weeks or months for which the employee would have been paid had he not been disabled.

12.8 Hospital and Surgical-Medical Insurance Plans

(a) All full-time faculty members and administrators, and their family dependents, are eligible to participate in Blue Cross-Blue Shield insurance plans. Effective July 1, 1971, the full costs of participation in these plans are paid by the University.

(b) The Blue Cross plan covers hospital confinement (with certain limited exceptions) plus many hospital services consistent with diagnosis and treatment. The Blue Shield plan provides payments for operative procedures performed in the hospital, the doctor's office or the home up to $500, depending on the kind of surgery performed, and for medical care in the hospital and other services as specified in the Blue Shield High Option plan.

(c) Blue Cross-Blue Shield plans cover the faculty member's spouse and all children from birth up to 19 years of age. (In the event that the faculty member and his family are covered by hospital and surgical plans at the expense of the spouse's employer, the University will not duplicate this coverage.)

(d) Enrollment in the University plans must be completed immediately upon employment. For detailed information about the plans and enrollment, the faculty member should contact the University Personnel Office in Faculty Memorial Hall.

12.9 Major Medical Plan

(a) On April 1, 1966, the University adopted a Major Medical Plan underwritten by Teachers Insurance and Annuity Association (TIAA) for all full-time faculty and administrators (except those with temporary appointments) and their eligible dependents, i.e., spouse, unmarried children under age 19, and unmarried children from age 19 through 22 who are full-time students and dependent upon the employee for support.

(b) Each insured individual is initially covered for a maximum benefit amount of $25,000. Coverage at a $15,000 maximum will be continued for a retired employee provided he has completed 10 years of service and is insured as an active member immediately preceding retirement; and full benefits will be continued for spouse until spouse reaches age 65 (at which time the maximum coverage will be reduced to $15,000) and for children until they cease to be eligible dependents. Covered expenses include those for hospital, physician, nurse, ambulance, drugs, extended care and the services of a licensed or certified psychologist. Above the deductible amount of $100 and apart from benefits payable under Hospital Surgical-Medical Insurance Plans the individual pays 20% and the Major Medical Plan pays 80% of all covered expenses.

(c) An employee becomes eligible on the first day of the month coinciding with or next following the date of employment. There is no waiting period required. The entire cost of this program is borne by the University.

(d) Details of this plan are set forth in a brochure, "Major Medical Expense Plan." This brochure and any additional information may be obtained from the Personnel Office located in Faculty Memorial Hall, Room 506, or by calling Extension 334.

12.10 Unemployment Insurance

Beginning with January 1972, all full-time and part-time faculty members and administrators have been covered by Unemployment Insurance. The University pays the full cost of this insurance program. Faculty members who are employed on an academic year basis are not considered to be unemployed during the interval between two academic years or academic sessions if they have a contract for employment between such years or both such sessions. At the time of termination of employment at Fordham University, a faculty member will receive a "Record of Employment" certificate which he must have if he should at a later date apply for Unemployment Insurance benefits.

12.11 Faculty Fellowships

(a) In order to assist the members of the Faculty in the study and research requisite for academic development, the University instituted in 1958 a program of Faculty Fellowships to replace the former system of sabbatical leaves of absence. A Faculty Fellowship is a paid leave awarded to a faculty member to carry out a piece of research or other academic project which seems deserving of the support of the University. Awards will be made on the basis of the demonstrated research competence of the applicant, the inherent value of the project submitted, and its presumptive contribution to the University and to the professional development of the faculty member.

(b) Duration. The duration of the fellowship will be determined by the nature of the project to be accomplished, but may in no case exceed two academic terms and one summer. Awards will normally be granted for one or two academic terms, or for individual summer periods of two months. Applications should contain an indication of the relationship between the work proposed and the duration of the award requested.

(c) Stipend. The stipend for the Faculty Fellowship will be the equivalent of half salary for two terms, or full salary for one term, of the regular academic year. Stipends for summer awards will be at the rate of 1/5 the academic salary for the year preceding the tenure of the Fellowship. The recipient of a Faculty Fellowship shall not be disqualified from salary increases or other benefits to which he would otherwise be entitled.

(d) Eligibility. Any member of the University Faculty who has served on a full-time basis for three successive years at Fordham is eligible to apply for a Faculty Fellowship. A member of the faculty who has been granted a Faculty Fellowship for at least one academic term will ordinarily not be considered eligible for another Faculty Fellowship, even for the summer only, until four years after the expiration of his previous Fellowship. A faculty member who has been awarded a Faculty Fellowship for the summer only is not eligible for another summer Fellowship, except in extraordinary cases, until two years have elapsed since the expiration of his summer Fellowship.

(e) Number. The number of Fellowships awarded in any given year will be determined by the academic feasibility of releasing the faculty member for the period requested, and by the amount of money available to the University for Fellowships. Applications which are judged worthy of a Faculty Fellowship, but must be temporarily denied for lack of funds or inconvenience to the academic program, will be approved when funds are available and the academic program permits the leave.

(f) Procedure. An application for a Faculty Fellowship must be made on a form which may be obtained from the appropriate Dean. This application should be submitted before November 1 to the Department Chairman, who will evaluate it and forward it to the Dean by December 1. The Dean will submit this material, together with his own evaluation, to the Vice President for Academic Affairs before December 15. The Vice President for Academic Affairs after consultation with a faculty committee will then recommend to the President those applications for Faculty Fellowships which should be granted by the University. The successful applicants will be notified by the President before January 15th.

(g) Report. At the conclusion of the period of the Fellowship, the faculty member should submit to his Chairman a detailed report of what has been accomplished. The Chairman will send copies of this report to the Dean and the Vice President for Academic Affairs.

(h) Additional Support. Faculty members are encouraged to apply for grants and fellowships from government agencies and academic societies to supplement their Faculty Fellowships. In some cases the securing of a fellowship from an outside source will enable the Faculty Fellowship to be given to another deserving faculty member whose project could otherwise not be supported by the University.

(i) For a faculty member without tenure, the time spent during a full year Faculty Fellowship is included in the probationary period prior to the acquisition of tenure unless the contrary is agreed to in writing at the time the Faculty Fellowship was granted. An agreement of this kind will not be entered into without faculty consultation within individual Departments and Schools. A faculty member on Faculty Fellowship may not vote in absentia in his Department, or School, during such period.

12.12 Scholarship Benefits

(a) The dependent children of all full-time University faculty members and administrators receive a full-tuition grant to matriculate for a degree in any undergraduate College of the University, and one-half tuition grant in Fordham Preparatory School. The dependent children of full-time University faculty members and administrators who have completed fifteen years of service also receive a full-tuition grant in all graduate professional Schools of the University. A dependent child shall be deemed to be one claimed by the faculty member and/or administrator as a dependent in accordance with the norms of the Internal Revenue Service.

(b) Remission of tuition is granted to the husband or wife of all full-time faculty and administrators; the benefit shall include the remission of all mentor's and dissertation fees. For the spouse of a faculty member who has not completed two academic years of full-time service at the University, the remission of tuition is limited to a maximum of two courses per semester or Summer Session or a maximum of six courses in a calendar year.

(c) In the event that a faculty member dies while serving as a full-time member of the faculty or administration or retires at age 65 or older, after at least ten years of full-time service, his dependent children and spouse shall be entitled to the same scholarship benefits to which they would have been entitled had the faculty member continued on a full-time basis.

(d) These benefits shall continue only as long as the family member maintains good standing in the school or college in which he or she is enrolled. These grants extend to courses taken during the Summer Session provided that these courses are required for the degree to be attained and are not taken because of academic failure in regular courses during the school year. Residents of New York State are expected to apply for the New York State Scholar Incentive Awards, and the amount of their University Scholarships will be full tuition and the University fee, minus the amount of the Incentive Award.

(e) Full-time faculty members who have attained the terminal degree required in their field may attend any course in the University without charge provided they have the approval of the appropriate Dean and the Professor involved. Full-time faculty members who have not attained the terminal degree required in their field, and who wish to attend a School of the University may make application for scholarship benefits at the Office of the Vice President for Academic Affairs.

(f) All applications for scholarship benefits for children and spouses of full-time faculty are to be made to the Office of Financial Aid.

12.13 Compensation for Travel

(a) The University encourages the participation of faculty in learned and professional societies. For this reason, faculty may be compensated for expenses incurred in attendance at meetings of learned and professional societies. It is the policy of the University to provide compensation to faculty under the following conditions:

(1) The meeting is a national meeting of a major learned society in the faculty member's field or in a closely allied field, or a regional meeting of such a society which includes the New York area. University support is ordinarily limited to meetings in the Continental United States and Canada. Support for attendance at meetings outside this area can only be granted by the Vice President for Academic Affairs.

(2) The faculty member must be attending the meeting for the purpose of presenting a paper, serving on a panel, or as an officer or committee member of the society; in order to recruit faculty for Fordham or as an official representative of the University.

(3) Six weeks before the meeting the faculty member must submit a written request to his Chairman or Dean indicating the meeting he wishes to attend, his participation in the meeting, and an estimate of the expenses for which compensation is requested.

(b) Faculty members who have grants from sources outside the University are expected to provide for their travel where permitted from these grants.

(C) If the above conditions are met, the University will compensate faculty for round trip coach airplane fare or the equivalent and a per diem of up to $20 for the days of actual attendance. Although otherwise qualifying for support, a request may have to be denied in full or in part because of a deficiency of funds available in the University's account for this purpose.

ARTICLE 13. FACULTY IN UNIVERSITY GOVERNANCE

13.1 Faculty Voting Privileges

All full-time faculty members of a School or Department have the right to participate and vote in decisions of the Department or School, with the exception of certain restrictions in cases of appointment, reappointment, tenure and promotion (See Articles 4.2, 4.6, 6.6d and e, and 7.2c). In Departments offering graduate programs the decisions relating to that program shall be made by the graduate faculty.

13.2 Faculty Representation

(a) For Larger Units of the University

Faculty members of Schools or Departments shall be entitled to participate in choosing representatives for larger units of the faculty on the School, Campus or University level according to the custom or to the constitution and by-laws of each such body.

(b) On Selection Committees

Representatives of the faculty shall have the right to participate in search committees for the appointment of Deans of Schools or higher academic officers of the University.

13.3 Additions or Revisions in Policies and Procedures

The Faculty Handbook Committee is a Standing Committee of the Faculty Senate. This Committee is charged with responsibility for continual review of faculty and administrative policies and procedures and for receiving suggestions from the faculty and administration for such revisions and for proposing to the Faculty Senate such changes as are deemed appropriate. (cf. Article 11.11)

SECTION VI. UNIVERSITY CODE OF CONDUCT

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UNIVERSITY CODE OF CONDUCT

I. Rationale for University Discipline

The reasonableness of university discipline must be judged in its relation to the educational purposes of the university. If those purposes may be described as the pursuit of truth and the advancement of knowledge, university discipline exists to assure a setting wherein those purposes may be achieved.

The educational purposes of the university can best be protected through the clear communication and enforcement of certain standards of behavior judged essential to the achievement of those purposes. What follows is a statement of these standards of behavior developed through the cooperative efforts of students, faculty, and administrative officers.

II. Jurisdiction

1. Persons: This Code shall apply to every member of the Fordham University community which includes faculty, students, administrative officials, and staff.

   When any individual accused of violation of this University Code of Conduct maintains more than one of the above mentioned statuses in the University determination of his status in a particular situation will be made in the context of the surrounding facts.

2. Place: This Code shall apply to conduct occurring on all property owned and/or used by Fordham University for instruction, other academic or student activities, or administrative function.

III. Violations

The following actions are considered violations of the University Code of Conduct and are punishable by sanctions imposed in accordance with the published judicial procedures of the University:

1. All forms of dishonesty including cheating, plagiarism, supplying false information to any University official, as well as forgery or use of University documents or instruments of identification with intent to defraud.

2. Theft from or damage to University property and/or theft of, or damage to the property of another while located on property of the University.

   Knowingly receiving, retaining or disposing of the lost or mislaid property of a member of the University community or of the University itself.

3. Unauthorized entry, use or occupation of University facilities as well as the unauthorized possession, duplication or use of keys to University facilities.

4. Tampering with or misusing fire alarms, fire fighting equipment or safety equipment.

5. Harassment (verbal or other) or physical abuse of another person; threatening or attempting to inflict physical injury, or creating substantial risk of such injury to another person on University premises.

6. The unauthorized selling purchasing, producing, or possessing of any lethal weapons, explosives, fireworks, or incendiary devices.

7. The unauthorized selling, purchasing, producing, or possessing of barbituates, amphetamines, marijuana, hallucinogens, or other addictive or illegal drugs.

8. Engaging in, or inciting others to engage in, conduct which interferes with or disrupts any University function, or which prevents or limits the free expression of ideas by others, or which physically obstructors or threatens to obstruct or restrain other members of the University community or visitors.

9. Failing to surrender upon request by clearly identified University personnel (this includes campus security guards) in the performance of their assigned duties, the University identification card which all members of the University community are required to carry.

10. Engaging in lewd and licentious conduct.

11. Failing to comply with the direction of clearly identified University personnel (this includes campus security guards) in the performance of their assigned duties.

12. Violation of published University regulations including but not limited to those regarding motor vehicles, residence halls, and the Campus Center.

November, 1970

Approved by the Board of Trustees
November 16, 1970

VII. POLICIES, PROCEDURES, GUIDELINES FOR RESEARCH AND TRAINING

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POLICIES, PROCEDURES, GUIDELINES FOR RESEARCH AND TRAINING

1. Introduction

1.1 The Role of Research in a University

The statement in IV-2,1 that the faculty has "the duty to participate freely...in the search for and communication of the truth," reflects Fordham University's firm commitment to this basic and indispensable function of a University. If teaching is not to deteriorate into rote repetition of outdated information, it must continue to be infused with newly-acquired knowledge. Research leads to the creative expansion of the teacher's vision, trains the student in scholarly inquiry which is the key to self-education and continued intellectual growth beyond formal education, and fulfills the University's responsibility to extend the horizons of knowledge to the ultimate benefit of society.

1.2 The University Research Council

Recognizing its obligations to foster and assist faculty research and training activity, Fordham University has instituted the Research Council comprised of faculty members (See IV-11.9) who review the program of University sponsored research grants and formulate policies for approval by the President. The Office of Research Services is headed by the Director of Research Services. The Office of Research Services offers information and advice to interested faculty concerning available externally funded research grants and programs, and assists in the preparation and processing and directs the fiscal administration of such grants (See Section 4 following).

2. University-Sponsored Research

In addition to its Faculty Fellowship Program (See IV,12.10), the University seeks to encourage faculty research activity as follows:

2.1 Research Grants

Research grants aiming to help junior faculty to initiate new research projects beyond the doctoral degree, or assist established researchers in pursuing a new phase of an existing project or initiating a new project, are administered by a faculty committee appointed by the Research Council. Faculty may apply for grants either in the Fall or Spring terms. The deadline for applications for the Fall term shall be November 15, and for the Spring term shall be March 15.

2.2 Grants-in-Aid

Grants-in-aid in small amounts may be requested in writing directly from the Director of Research Services for incidental expenses connected with a research project, such as typing fees from manuscript, xeroxing source materials, travel to libraries, etc.

2.3 Research Professorships

When outside funds areavailable, Research Professorships may be awarded in order to provide Fordham faculty with an opportunity to devote themselves more completely to a particular research project by freeing them from teaching responsibilities. In certain circumstances, arrangements may be made for Research Professors to also teach. Since such faculty appointments are made from the ranks of already appointed professors and associate professors, the recommendation for such appointments shall be made in writing to the Chairman of the Department, or the Dean of the School where there are no Departments, and to the Vice-President for Academic Affairs. Approval of both shall be required to make this appointment. When awarded, such research faculty ranks replace the regular faculty rank held by the faculty members involved for the length of time of the appointment. Research Professors ordinarily shall be appointed for one year subject to renewal.

a. Research Professor

In order to qualify for this rank, the candidate must be a Professor and have demonstrated distinguished achievement in research activity.

b. Research Associate Professor

In order to qualify for this rank, the candidate must be an Associate Professor and have demonstrated recognized achievement in research activity.

c. Appointment as Research Professor or Research Associate Professor

Tenured Professors and Associate Professors who believe that they fulfill the qualifications for Research Professor or Research Associate Professor as described above, may apply in writing to the Vice-President for Academic Affairs, for these ranks at any time during the academic year. The recommendation of the Research Council must be considered before such an appointment is made.

3. OUTSIDE FUNDED RESEARCH AND TRAINING

3.1 When research and training programs sponsored by individuals or organizations outside the University require the participation of the University as party to a contract or as administrator of granted funds, the University will agree to such participation, within the limitation of its physical and financial capacities, if the purpose of the programs coincides with the academic aims of the University which are the acquisition and dissemination of new knowledge and the fostering of quality teaching. Inasmuch as the University scrupulously avoids any regular institutional judgment as to the choice or validity of subjects for or methods of investigation, this determination will be made by referring to standards of normal academic procedure in each field of inquiry as described by the faculty. In doubtful cases, the Research Council will be consulted. The opportunity for the University and the faculty to respond to current urgent community problems is provided by participation in sponsored training programs and technical assistance and evaluation services, relevant to the educational objectives of the University.

3.2 General Administration

University approval and administration of sponsored grant programs is centered in the Office of Research Services. Under policies formulated by the Research Council and approved by the President of the University, the Director of Research Services is responsible for the following functions:

a. The review and approval on behalf of the University, of all proposals and budgets for sponsored research, demonstration and training grant programs prior to submission to the granting agency. This review and approval shall include project requirements for space and other items included in indirect costs. Proposals shall also be reviewed with respect to their compliance with the provisions of Section 4 below including a specification as to how salaries are related to regular faculty responsibilities.

b. The review and verification of purchase orders under grants.

c. The review and verification of other requests for disbursement of grant funds.

d. The submission of final financial reports on grants.

The Office of Vice-President for Financial Affairs has the responsibility as official custodian of grant funds, to establish and maintain grant accounts, set up grant payrolls, and disburse all payments when approved by the budget administrator of the funds and the Director of Research Services.

3.3 Procedures for Project Directors

a. Preparing Proposals

Faculty members have primary responsibility for preparation of grant proposals. Completed proposals, including necessary endorsements by Department Chairman, or Dean, should be forwarded to the Office of Research Services for University approval. One week before mailing deadlines should be allowed for this purpose. One copy for signature and one additional copy for the Office of Research Services' permanent file should be provided.

Grant proposals which involve courses offering academic credit must be approved by the Department and Dean of the School in which credit is to be awarded.

b. Operating Project Budgets

When the grant award has been received, the project director will be responsible for preparing an operation budget consistent with the grant budget, on a form to be supplied by the Office of Research Services. The Grant Accounts Officer is available to assist in filling out the budget form.

The Office of Research Services is responsible for supplying copies of project budgets and grant awards to the Financial Office, which will establish an account for each project. A monthly expenditure report is sent to the project directors to inform them of the status of the project budget.

c. Disbursements

Purchase orders and other requests for disbursement made by project directors will be sent to the Office of Research Services for verification for payment by the Financial Office and the Purchasing Office.

d. Payrolls

Project directors will be responsible for determining stipend schedules and payrolls, based on the approved grant operating budget. The payroll office will pay salaries and stipends as authorized by project directors and the Office of Research Services. Project directors must prepare payroll card and W-4 Form (Withholding Form) for each person paid on the grant budget. These are sent to the Office of Research Services and forwarded to the Finance Office.

e. Financial Reports

The Grants Accounts Officer in the Office of Research Services prepares interim and final financial reports on sponsored projects.

f. Responsibilities of Project Directors

Preparation of interim and final technical reports on sponsored projects is the responsibility of the project director. Monitoring of monthly expenditure reports and checking of expenditure requests against report balances for sufficient funds is also a function of the project director. Any discrepancies should be reported to the Grants Accounts Officer.

4. Guidelines for Fiscal Aspects of Grants

4.1 Faculty Compensation

Grant-contract funds may be used to supply part of the base compensation of faculty in exchange for a reduction of the normal academic load (and concomitant reduction of the University's contribution to the faculty members' compensation). Determination of the amount of reduction and of the responsibilities from which the faculty member will be released is to be agreed to by the faculty member involved, the project director, Department Chairman, and appropriate Dean.

4.2 Supplementation for Grant/Contract Efforts

In direct parallel with opportunities for faculty income supplementation in off-campus activities such as consulting, professional practice, and part-time teaching which do not impair the performance of regular academic duties, the

University does permit supplementation for grant/contract efforts within Fordham. Normally, such efforts may involve one day a week during the nine month academic year. For any work beyond this of a continuing or regular nature, annual approval by the Vice-President for Academic Affairs is required.

4.3 Fringe Benefits

Staff employed on sponsored projects will be eligible for fringe benefits to the extent that the full costsof these benefits are covered either by the indirect cost allowance or a direct cost element of the grant budget. Current cost tables on fringe benefits as developed by the University Personnel Office are on file in the Office of Research Services.

4.4 Advance Funding of Grant Programs

No University funds will be disbursed unless the University has a signed contract, or at a minimum, a letter of intent from an authorized official of a granting agency. An approved budget must also be on file in the Office of Research Services. These agreements should clearly spell out the financial terms attending the projects in question and there should be a revolving fund of at least 10% forthe project in the University's Finance Office. In those instances where a revolving fund arrangement cannot be worked out, a schedule of payments from the agency to the University should be clearly established in advance of any disbursement of University funds. In those cases where the University is obliged to make advance payments, and otherwise provide the project its working capital, the University should receive specific reimbursement for this service as included in the indirect cost allotment.

4.5 Billing of Funding Agencies

Responsibility for billing granting agencies for obligations owed the University will rest initially with the University's Finance Office. The Financial Office, if necessary, may refer accounts to the Director of Research Services who will be responsible together with the project director, for requesting payment from the granting agency.

4.6 Travel Expenditures on Grant Budgets

a. A maximum of $25 per diem will be allowed on living expenses (accommodations and meals).

b. Direct cost of travel can be covered including air coach, rental cars, personal car at 12¢ per mile, taxis, and parking fees, where permitted by the granting agency.

5. Grant and Contract Policy

5.1 The Director of Research Services has primary responsibility for interpreting and administering policies and procedures in connection with financial management of grant projects.

5.2 Review and approval of project budgets and verifications of all expenditures under these budgets is the responsibility of the Office of Research Services. The project director, however, is also responsible for checking the most recent expenditure report before submitting a request for payment, so that all expenditures conform and are within the limits of the budget.

5.3 The Financial Vice-President is responsible for administration of overall University financial management policies. In the case of possible conflict between grant management policy and overall University policy, the Financial Vice-President and Director of Research Services would cooperate to resolve any conflict. Any issues remaining unresolved will be referred to the Executive Vice-President. In no case, however, may grant funds be disbursed without the written approval of the project director.

5.4 The Research Council regularly reviews the guidelines, procedures, and policies for sponsored grants and contracts. When changes have been approved, according to procedures outlined in Section IV-13.3, they will be announced in Research Reports, issued monthly by the Office of Research Services, and will take effect at that time.

APPENDIX A

ACADEMIC FREEDOM AND TENURE

AAUP, AAC

1940 Statement of Principles

ACADEMIC FREEDOM AND TENURE

AAUP, AAC

1940 Statement of Principles

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher[1] or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extra-mural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

ACADEMIC FREEDOM

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

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[1] The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

ACADEMIC TENURE

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment

Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

INTERPRETATIONS

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 Statement of Principles on Academic Freedom and Tenure were agreed upon:

1. That its operation should not be retroactive.

2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.

3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

APPENDIX B

CONSTITUTION AND BYLAWS OF THE FORDHAM UNIVERSITY FACULTY SENATE

APPENDIX B

AS AMENDED
April 28, 1971

CONSTITUTION OF THE FORDHAM UNIVERSITY FACULTY SENATE

ARTICLE I

A Objects and Purposes

The objects and purposes of the Fordham University Faculty Senate shall be:

(a) To promote the best interest of Fordham University;

(b) To create a closer liaison between the members of the faculty and the administrative officers;

(c) To develop greater cooperation and closer cultural and educational exchange among the faculties of the schools of the University;

(d) To serve as an advisory body to the President of the University;

(e) To initiate recommendations on policy to the President of the University.

B Powers, Rights and Duties of the Faculty Senate

(a) The Senate shall have the right and duty to advise the President and Trustees of the University and to initiate recommendations in all areas of University activity.

(b) The Senate shall deal directly with the President of the University and to this end the President of the Senate shall have the right to confer with the President of the University within a reasonable time after a request for such a meeting.

ARTICLE II

Composition

The Fordham University Faculty Senate shall regularly consist of twenty-four (24) members to be elected as provided in Article IV and apportioned as follows: (Amended April, 1971)

(a) The Faculty of the Liberal Arts (Fordham College, Thomas More College, Fordham Graduate School of Arts and Sciences, Bensalem College and Graduate Institute of Religious Education) of the Rose Hill Campus shall elect twelve (12) members.

(b) The Faculties of the School of Social Service and Liberal Arts College of Lincoln Center shall each elect three (3) members.

(c) The Faculties of the School of Law, the College of Business Administration, and School of Education, shall each elect two (2) members.

If a faculty member teaches in more than one school, he must choose one of those schools as the school wherein he will cast his ballot for the election herein described.

ARTICLE III

Officers

(a) The officers of the Fordham University Faculty Senate shall consist of an honorary president, president, vice president and secretary.

(b) The honorary president shall at all times be the President of Fordham University. The President of the University may submit matters to the Senate for its consideration and recommendation. He may also call meetings as set forth in Article VI. He, or any officer of the University whom he designates, may attend any meetings of the Senate.

(c) The president of the Senate shall preside at and conduct the meetings of the Senate. The vice president shall exercise all the powers and duties of the president in the president's absence. The secretary shall keep the minutes of all the meetings of the Senate, shall maintain the rolls of the members and shall send out all notices of meetings.

(d) The term of office of the president, vice president and secretary shall be one (1) year. Each shall be eligible for not more than two consecutive re-elections to his office.

(e) Officers of the Senate shall be elected by the Senate from its members at a meeting to take place in the month of May.

ARTICLE IV

Elections

(a) All members of the full-time Fordham University faculty who have served for a minimum of one academic year shall have the right to vote for members of the Senate. Such faculty members retain the right to vote until fully retired.

(b) Election to the Senate shall be limited to voting faculty members in the professorial rank of Assistant, Associate or full Professor.

(c) Eligible faculty members on authorized leave of absence may vote but will not be eligible for election unless they are returning to the University in the year they are to begin the term of office.

(d) If a vacancy occurs in the Senate, the President of the Senate shall:

i) As promptly as is practicable, fill such vacancy by certifying as elected thereto the qualified candidate who accepts such certification who secured the next highest number of votes in the last Senate election in the faculty or school which elected the member whose seat is vacant.

ii) If the vacancy is not filled as provided in subparagraph (i), the President shall cause to be held a special election by the faculty or school which elected the member to be replaced.

iii) Senators filling vacancies pursuant to this Article, shall serve until the next general election of Senators.

(e) Senators shall be elected for the term of two years.

(f) Elections shall take place in April of each year. In January preceding the election, the President of the Senate shall appoint an election committee. Said committee shall cause a nominating ballot to be sent by first class mail to the home of eligible faculty members on or before February 15. Eligible faculty members shall be instructed that they shall make only one nomination for each vacancy for which they are eligible to nominate and that the nominating ballot must be returned and received no later than February 28. Those deemed nominated shall be a number twice as large as the number of vacancies, and those who receive the highest number of nominations except in the event of a tie in which case all of those tied shall be deemed nominated.

When the election committee receives the nominating ballot, it shall cause to be prepared the necessary election ballots which shall be sent by first class mail to eligible faculty members in ample time to permit the vote to be cast in April and to be returned on or before April 15. Only votes received on or before April 15 shall be considered. Each faculty member shall vote for each office for which he is eligible to vote and the one or those receiving the highest number of votes for the office or offices vacant shall be deemed elected.

The Committee shall conduct the nominations and elections in such a way that the votes are anonymous and yet employ adequate safeguards to insure that only those eligible have voted.

The results of the election should be made public before the end of April.

ARTICLE V

Committees

The committees of the Senate shall be appointed by the Senate and shall have whatever powers and duties are prescribed by that body. All members of the Fordham faculty are eligible for appointment to committees.

ARTICLE VI

Meetings

(a) In addition to the meeting of the Senate in May, the Senate shall meet at least once during each semester, fall and spring. Meetings shall be called by the president of the Senate.

(b) Special meetings may be called by the presentation of a petition signed by six (6) members of the Senate or may be called by the President of the University.

(c) Each member of the Senate shall be notified in writing by the secretary of any meeting not less than five days before the date thereof.

(d) A majority of the Senate shall constitute a quorum at all regular and special meetings.

(e) All action taken by the Senate shall be made by a majority vote of those present and voting. A minority recommendation shall be made if at least one member of the Senate so desires.

ARTICLE VII

Amendments

This Constitution may be amended as follows:

(a) A majority of the Senate at any regular or special meeting may propose an amendment in writing;

(b) Ten percent (10%) of the full-time members of the faculty may propose at any time an amendment in writing to the Senate which shall submit it to the faculty for action;

(c) In either case, the amendment shall not become effective unless it is submitted in writing to the faculty of the University eligible to vote for senate members and approved by a vote of a majority of those eligible to vote.

ARTICLE VIII

Rules of Order

On all matters not specifically covered in this Constitution, Robert's Rules of Order shall govern.

ARTICLE IX

Effective Date

This Constitution shall be in full force and effect upon the date of its approval by a vote of a majority of the full-time faculty members voting in May 1965. All full-time faculty members, regardless of rank, are eligible to vote upon the adoption of this Constitution. In the event of the approval of the Constitution, the first Senate will be elected in May 1965.

BYLAWS OF THE FORDHAM UNIVERSITY FACULTY SENATE

ARTICLE I - Purpose

These bylaws are designed to implement and supplement the Constitution of the Fordham University Faculty Senate.

ARTICLE II - Nomination and Election of Officers

Section 1 - The order of nomination and election shall be: President, Vice-President and Secretary.

Section 2 -Only those Senators present at the meeting shall be eligible to nominate and vote.

Section 3 - Nominations shall be made *viva voce*. Any number of nominations may be made for any position provided that the nomination is seconded.

Section 4 - Election shall be by secret written ballot. A majority of all the votes cast for a particular office shall be necessary to elect. If a majority is not achieved upon the first ballot, there shall be a run-off between the two candidates receiving the most votes.

Section 5 - The President or the presiding officer *pro tem* shall appoint two Senators to act as Tellers and one to act as Recorder. One of the Tellers shall read aloud the name written on the ballot and pass it to the other for confirmation. The Recorder shall tally the same and the result thereof shall be announced by the presiding officer. All of this shall take place in full view of the Senate.

Section 6 - A vacancy in an elective office shall be filled at a special election to be held after reasonable notice to the Senators. The procedure shall be the same as a regular election. One who already occupies an office is eligible to run for the vacated office and should he succeed, his office shall in turn be filled at the same meeting.

ARTICLE III - Agenda

Section 1 - The following shall form part of the order of business at meetings of the Senate:

1. Call to Order
2. Prayer
3. Reading of Minutes of Previous Meeting
4. Matters Presented by the President of the University
5. Reading of Important Communications
6. Report of Committees
7. Special Order of Business
8. Unfinished Business
9. New Business
10. Prayer

At any meeting this order may be dispensed with by a majority vote of the Senators present and voting.

Section 2 - No meeting of the Senate shall extend for more than three hours from the time it is called to order by the presiding officer, unless a motion to extend the meeting is approved by two-thirds of the Senators present and voting, provided a quorum is present. (9/26/72)

ARTICLE IV - Committees

Section 1 - There shall be three kinds of senate committees: (1) an Executive Committee; (2) Standing Committees; (3) Special Committees. The Executive Committee and all standing committees shall meet as directed by the Faculty Senate, or as determined necessary by the committees themselves or their chairmen, but not less than once a year; the meeting shall be conducted according to orderly procedure, records of deliberations shall be kept, and all reports shall be made to the Faculty Senate as often as required, but at least once annually. Copies of all reports, final and accepted by the Senate shall be filed with the Secretary of the Senate and shall be available for inspection by members of the faculty and the administrative staff of the University.

Section 2 - Except as otherwise provided, all members of all committees shall be appointed by the President of the Senate with the consent of the Senate, and the number, charge and composition of the standing and special committees shall be determined in the same way.

Section 3 - The members of the Executive Committee shall be appointed at the May meeting in which officers are elected by the President with the consent of the majority of Senators present. Members of the Executive Committee shall be appointed for one year and no member of the Executive Committee shall be appointed for more than three successive terms except when he is a member ex officio as hereinafter provided.

Section 4 - The Executive Committee shall consist of five members, two appointed as previously provided and the officers of the Senate ex officio shall be the remaining members.

Section 5 - The Executive Committee shall:

(a) arrange the agenda for senate meetings, and shall serve as the channel through which any member of the Senate may introduce matters for the consideration of the Senate. It shall include in the agenda for any meeting any matters requested by the President or 20% of the members of the Senate;

(b) prepare a report at the end of each academic year covering the entire year, to be distributed to all members of the faculty after review and approval by the Senate;

(c) receive reports and communications prepared by or in any college, school or division of the University which may be of concern or interest to any other college, school or division, or the faculty, or the Faculty Senate;

(d) act on behalf of the Senate on matters requiring immediate action when it is not possible to call a special meeting of the Senate, such action to be reported to the Senate for confirmation at its next regular meeting;

(e) act as a liaison committee with the President of the University.

Section 6 - There shall be the following Standing Committees: Constitution and Bylaws, Election, and Faculty Handbook. (2/18/72)

ARTICLE V - Election of Senators

In the election of Senators, the ballots shall be opened and counted by a majority of the Election Committee not earlier than the third day after the day on which the ballots are returnable. Ballots are to be considered as returned if received or postmarked by the due date but ballots that are, for whatever reason, received after the counting day will be invalid. (9/26/72)

ARTICLE VI - Amendments

Section 1 - These bylaws may be amended at any regular or special meeting by a majority vote of the senators present and voting provided that notice of the proposed amendement shall have been included in the notice or call of the meeting in question.

Section 2 - An amendment to these bylaws shall be in full force and effect upon the date of its approval in accordance with Section 1.

ARTICLE VII - Rules of Order

On all matters not specifically covered in these bylaws, Robert's Rules of Order shall govern.